



Superior Court of California County of Placer

Local Rules of Court

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SUPERIOR COURT OF CALIFORNIA, IN AND FOR THE COUNTY OF PLACER

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SUPERIOR COURT OF CALIFORNIA, IN AND FOR THE COUNTY OF PLACER

10.00 LOCAL RULES - GENERAL

RULE 10.1 SCOPE OF RULES FOR THE SUPERIOR COURT

These local rules of court represent a combined set of rules for the Placer County Superior Court and reflect the coordinated court structure of Placer County.

RULE 10.2 EFFECTIVE DATE OF RULES

These rules shall take effect on January 1, 2004. Changes since the last publishing have been highlighted by bold.

RULE 10.3 EFFECTS OF RULES AND CITATION OF RULES

These rules shall be known and cited as "Local Rules of the Placer County Superior Court".

RULE 10.4 DEPARTMENTS

Each courtroom within the coordinated court system carries a numerical designation which is not to be confused or associated with any particular judge of the court, as judges may sit in different courtrooms at different times.

<u>Department</u>	<u>Location:</u>
1 -	101 Maple Street, 3rd Floor, Auburn
2 -	101 Maple Street, 3rd Floor, Auburn
3 -	101 Maple Street, 2nd Floor, Auburn
4 -	101 Maple Street, 2nd Floor, Auburn
5 -	300 Taylor Street, Roseville
6 -	300 Taylor Street, Roseville
7 -	11546 "B" Avenue, DeWitt, Auburn
8 -	11546 "B" Avenue, DeWitt, Auburn
9 -	11546 "B" Avenue, DeWitt, Auburn
10 -	11546 "B" Avenue, DeWitt, Auburn
11 -	11546 "B" Avenue, DeWitt, Auburn

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- 12 - 11270 B Avenue, DeWitt, Auburn
- 13 - Criminal Div, 2785 Richardson Drive, DeWitt, Auburn
- 14 - 2501 N. Lake Boulevard (P.O. Box 5669), Tahoe City
- 15 - 10 Culver Street, Colfax
- 16 - (was Foresthill Court; now closed. All matters transferred to Roseville Court) [Effective 7/1/02]
- 17 - 453 "G" Street, Lincoln

RULE 10.5 POLICY CONCERNING USE OF COURT FACILITIES, FILES, DOCUMENTS AND EXHIBITS IN TRIALS OR PROCEEDINGS HEARD BY A PRIVATE JUDGE

For the purposes of this local rule the term "private judge" includes any attorney or retired judge sitting as a judge pro tem arranged privately between the parties to the litigation. A private judge hearing, trial or proceeding is a hearing, trial or proceeding in which all expenses are born by the litigants.

- A. Stipulation must include waiver of clerk's minutes.

Any stipulation for private judge must include a waiver for the necessity of clerk's minutes. The presiding judge will not approve or allow the filing of the private judge's consent to serve or oath of office without the parties having first filed such a waiver.

- B. Documents to be filed by the private judge.

The private judge shall have the responsibility for filing with the clerk of the court, notices setting hearings, interim rulings, the statement of decision or final judgment and (where applicable) notices of any post trial proceedings.

- C. In the event of appeal:

The clerk of the court has the responsibility to provide the clerk's transcript and exhibits to the appellate court. Parties requesting a reporter's transcript shall have the responsibility to notify the reporter of a designation of the record or request for preparation of the reporter's transcript, and to submit these documents to the clerk of the court for filing with copies provided directly to the reporter. The parties are responsible for arranging transcript preparation, correction, certification, and filing same with the Court of Appeal.

RULE 10.6 SANCTIONS FOR VIOLATIONS OF LOCAL RULES

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Any unjustified failure to comply with the requirements of any local rule may result in the imposition of monetary sanctions, including the assessment of fines, court costs or attorney's fees against an offending attorney or party, or in other sanctions as determined by the court, including such non-monetary sanctions as issue preclusion, exclusion of evidence, the striking of pleadings and the dismissal of an action or cause of action. Monetary sanctions payable to the Superior Court of the State of California, in and for the County of Placer. [Effective date 7/1/02]

RULE 10.7 NORTH LAKE TAHOE SESSIONS OF SUPERIOR COURT

A. In order to serve the citizens and members of the bar of the North Lake Tahoe area of Placer County, Department 14 of the Superior Court is located in Tahoe City.

B. SUBSECTION DELETED – NO LONGER APPLICABLE [Effective date 7/1/03]

C. Matters which may be heard: All matters within the jurisdiction of the court may be heard except those matters deemed inappropriate by the presiding judge.

D. SUBSECTION DELETED – NO LONGER APPLICABLE [Effective date 7/1/03]

RULE 10.8 EX-PARTE ORDERS

The court will not issue any orders on ex parte request unless the order requested is necessary to prevent injustice, irreparable harm, immediate danger, or states a proper statutory basis for granting ex parte relief, and due to time constraints, a noticed motion cannot be made. Further, failure to timely request a noticed motion must not have been due to any failure or lack of diligence on the part of the requesting attorney or party. [Effective date 7/1/02]

All ex-parte requests, including a request for orders shortening or extending time, for temporary relief or other requests will be heard only with a scheduled appointment except in cases of emergency. Appointments will be scheduled through the office of the clerk of the appropriate court. On appearance, attorneys and/or parties requesting the order shall present a written application to the clerk of the court accompanied by sufficient declarations and/or points and authorities to support the order, and the proposed order.

Notice shall be given to all parties at least 6 business hours in advance of the time set for the ex-parte appointment. All ex-parte applications shall comply with California Rule of Court 379 and must include a written declaration setting forth details of the notice given to other parties (date, time, place of notice, to whom notice was given) or why notice could not be given. In cases where less than 6 business hours notice is given, the declaration shall state facts to justify such shortened notice. [Effective date: 7/1/01]

RULE 10.9 FILING OF DOCUMENTS

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A. The Clerk of the Court shall adhere to the guidelines set forth herein in the acceptance and rejection of documents presented for filing.

B. In accordance with Government Code section 69846.5, all documents shall be endorsed and file-stamped with the date the document was presented and accepted for filing. No backdating or backfiling of documents is authorized. [Effective date 7/1/02]

C. All documents submitted for filing shall contain the submitting attorney's California State Bar Number as a part of the attorney's name, address and telephone number on the first page of all papers presented for filing; papers presented by pro per litigants shall contain the party's name, address and telephone number. All papers presented for filing by an attorney which do not contain such state bar number shall be rejected for filing by the clerk unless otherwise ordered by the court.

D. The clerk shall not accept for filing or file any papers which do not comply with California Rules of Court 201 or 982.2 or any other rule which specifies document requirements.

E. The clerk shall file only original documents presented for filing. Copies of original documents may be "received" but not filed unless otherwise ordered by the court.

F. The clerk shall not accept for filing, whether offered separately or as attachments to other documents, those documents set forth in Rule 201.5 or Rule 501.5 of the California Rules of Court, unless such documents are offered as relevant to the determination of an issue in a law and motion proceeding or other hearing or are ordered filed by the court.

G. All documents must be typewritten, computer-printed or prepared by a photocopying or other duplication process according to California Rule of Court 201(c) (1). However, no Judicial Council or local court form will be rejected solely on the ground that it is handwritten or handprinted, in accordance with California Rule of Court 201(j)(4). [Effective 07/01/03]

H. Transcripts of depositions shall not be filed or lodged within the court file without prior order of the court. In civil cases, transcripts of court proceedings, unless ordered prepared by the court, will not be lodged within the court file nor filed by the clerk without prior order of the court.

I. Except for noncompliance with Rule 201 of California Rules of Court, these local rules of court, or failure to pay the filing fee without a court order waiving the fee, a complaint must be filed on demand and cannot be refused. However, any obvious discrepancy will be pointed out to the filing party so that the error can be corrected prior to filing. Once filed, any corrections must proceed by amendment or court order; a party cannot alter papers to correct mistakes once the complaint is filed with the court. Unsigned complaints shall not be filed without court order.

J. No answer or other responsive pleading shall be refused for filing except for (1), failure to pay the required filing fee without having obtained a waiver, (2) a violation of Rule 201 or these local rules, or (3) lack of signature.

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K. Briefs submitted to the court for appellate matters shall comply with format and preparation in accordance with Rule 15(d), California Rules of Court. Briefs shall be typewritten.

L. Placer County Superior Court only accepts the state mandated Judicial Council form entitled Case Management Statement, Form CM110. [Effective date 1/1/04]

M. All persons submitting documents for filing are expected to provide the clerk with a self-addressed, postage paid envelope for the return of conformed or endorsed copies if the return of copies is requested. Documents not accompanied by a postage-paid envelope will be placed in the attorney's document pickup box located in the clerk's office. Documents placed in the pickup box are expected to be claimed within 30 days of being placed therein. All documents remaining unclaimed in excess of 30 days will be deemed to have been abandoned and will be discarded by the clerk without notice.

N. The filing requirements imposed by this rule, upon good cause shown, may be waived or modified by the court as to a particular document tendered for filing. [Effective date 7/1/01]

O. The clerk's office will only accept one (1) original document for the file and two (2) copies to conform on each document. Parties should be encouraged to take their conformed copies and make photocopies. [Effective date 7/1/02]

P. Documents will be accepted only from an attorney of record, or the party, if the party is self-represented. [Effective date 7/1/03]

RULE 10.10 PLACE OF FILING

A. Except as provided in subsections B through E, or as otherwise ordered by the court, all civil filings presented for filing to the Superior Court, shall be filed at the clerk's office, Historic Courthouse, 4th Floor, 101 Maple Street, Auburn, CA 95603.

B. All civil and criminal filings within the Superior Court jurisdiction presented for filing to the Superior Court - Tahoe Division shall be filed at the clerk's office, 2501 North Lake Boulevard, Tahoe City, CA 96145. [Effective date 7/1/03]

C. Petitions for restraining orders under the Domestic Violence Prevention Act (Family Code §6200, et.seq.) whether or not filed as part of a pending court action, may be filed either at the clerk's office of the Superior Court Family Law Division at the DeWitt Center or at the clerk's office of the Superior Court -Tahoe Division.

D. Petitions to prevent harassment (CCP §527.6 and 527.8), whether or not filed as part of a pending court action, may be filed either at the clerk's office at the Historic Courthouse or at the clerk's office of the Superior Court - Tahoe Division.

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E. Small Claims actions shall be filed at the Historic Courthouse, 101 Maple St., Auburn, or at the Tahoe Court, 2501 N. Lake Blvd, Tahoe City. [Effective date 1/1/04]

F. Unlawful Detainer actions shall be filed as required by paragraph (A) or (B). Answers to such actions may also be filed in the Roseville Division of the court. [Effective date 7/1/01]

G. Except as provided in subsection B, all criminal filings presented for filing to the Superior Court shall be at the Criminal Division at DeWitt Center. [Effective date 7/1/03]

RULE 10.11 APPLICATION FOR WAIVER OF COURT FEES AND COSTS

The clerk, prior to accepting for filing any application for waiver of court fees and costs, wherein the applicant has indicated that he or she is receiving financial assistance under one or more of the following programs, shall require the applicant to show or give the supplemental information as follows:

A. SSI & SSP - Supplemental Security Income and State Supplemental Payments Programs: Applicant must exhibit current MediCal identification card to the clerk prior to filing of the application.

B. AFDC - Aid to Families with Dependent Children Program: Applicant must provide clerk with either AFDC identification number (Placer County: 31-Letter-Six Digit Number) or exhibit current Food Stamp identification card prior to filing of the application.

C. Food Stamps - Food Stamp Program: Applicant must exhibit current food stamp identification card to clerk prior to filing of the application.

D. County Relief, General Relief (G.R.) or General Assistance (G.A.): Applicant must exhibit or provide any one of the following: Exhibit current MediCal identification card; current food stamp identification card; or provide AFDC identification number prior to filing of the application. [Effective date 7/1/01]

Fee waivers expire 6 months from date waiver is granted. The party requesting a waiver must immediately notify the court of any change in financial status. [Effective date 7/1/03]

RULE 10.12 COURT FILES

No papers shall be removed from any court file of actions or placed therein except by authorized court personnel. The clerk shall not deliver any papers filed except for purposes of

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inspection in the office of the clerk, to the possession of any person other than an employee of the court unless so ordered by the court. [Effective date 7/1/01]

RULE 10.13 DEPOSITS INTO COURT TRUST ACCOUNT

A. Funds deposited with the court, in civil actions, whether as a deposit, undertaking, cash bond or trust deposit shall be accompanied by the name of the depositor, depositor's mailing address, and depositor's federal tax identification or social security number, and the purpose for the deposit. Funds received without such tax information will not be accepted by the clerk for deposit. Once deposited with the court, such funds shall draw interest, at the current rate specified by the financial institution where the funds are deposited, from the date of deposit. [Effective date 7/1/03]

B. Upon release of such funds and payment of interest the court will provide the depositor, at the address given, an Internal Revenue Service Tax Form 1099(I) for the then current tax year and shall report such earned interest to the Internal Revenue Service in accordance with existing court policies. [Effective date 7/1/03]

RULE 10.14 COURT INTERPRETERS

Court interpreters shall be utilized only as directed by the court.

A. If an interpreter is required by any party to an action, counsel shall advise the court of the need for an interpreter at least 5 court days prior to the trial or hearing. [Effective date 7/1/01]

B. In juvenile or criminal proceedings, where an interpreter is required at hearing or trial for a non-english speaking party or witness, counsel for the prosecution or defense must notify the court, in writing, as soon as the need for the interpreter is determined. For each non-english speaking party or witness, the court must be provided with the date of the hearing, the name of the person for whom the interpreter is requested, the person's role in the proceeding and the foreign language spoken, including the dialect where applicable. The Court will make arrangements for the foreign language interpreter to be present at the trial or hearing and, pursuant to Rule 810 of the California Rules of Court will pay the related costs. Counsel must immediately notify the court upon learning that the services of the interpreter are not required. Failure to timely notify the court of the cancellation of the need for an interpreter may result in an order for reimbursement to the court for any cancellation fee the court is required to pay to the interpreter. [Effective date 1/1/04]

RULE 10.15 COURT REPORTERS

Per California Rule of Court 891, the court does not provide court reporters for the following calendars:

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Case Management Conferences
Civil Harassment
Civil Law & Motion*
Uncontested
Unlawful Detainer
All Family Law Matters

Any litigant who wishes a record of a hearing for any of the above matters must arrange for the presence of a court reporter at his or her expense. Staff reporters may be available by calling Court Services in advance at (530) 889-6523. If no staff reporter is available, a list of independent reporters and reporting firms will be provided for the litigants' use in arranging their own coverage.

Fees will also be charged for the use of staff reporters in the above-mentioned calendars as follows:

Hearings of 1 hour or less:	\$ 50.00
½ Day (more than one hour/less than 4 hours):	\$140.00
Full Day (4 or more hours):	\$280.00

Make check payable to Placer County Superior Court and give to courtroom clerk at time of hearing. [Effective date 7/1/03]

20.00 CIVIL PROCEDURE

RULE 20.1 CIVIL CASE MANAGEMENT SYSTEM - UNDER THE DELAY REDUCTION ACT

RULE 20.1.1 CIVIL CASES SUBJECT TO THESE RULES

A. These rules are adopted pursuant to the Trial Court Delay Reduction Act (Government Code Sections 68600, et seq.). They shall apply to all civil actions within the Superior Court, and all Limited Jurisdiction actions filed on or after July 1, 1996.

B. These rules shall apply to all cases included within the definition of "general civil cases" provided by California Rules of Court, Rule 2103(b). Unlawful Detainer actions, coordinated civil actions as provided by Rule 2103(c) and (d), and forfeiture proceedings under §11488, et seq. of the Health & Safety Code are exempt from these rules. [Effective date 7/1/01]

RULE 20.1.2 POLICY

It is the policy of this court that all included cases shall be tried or otherwise disposed of within the following time limits from the date of filing:

GENERAL CIVIL - Class 1	-	12 MONTHS
GENERAL CIVIL - Class 2	-	18 MONTHS
GENERAL CIVIL - Class 3	-	24 MONTHS
GENERAL CIVIL - COMPLEX	-	36 MONTHS

RULE 20.1.3 GENERAL CIVIL CASES

The category "General Civil" shall include all the civil cases subject to these rules not otherwise designated as "General Civil - Complex." [Effective date 7/1/01]

RULE 20.1.4 GENERAL CIVIL - COMPLEX CASES

A "General Civil - Complex" case is one which is the "exceptional case" as identified in California Rules of Court, **Rule 209(c)**. [Effective date 1/1/04]

RULE 20.1.5 CATEGORY DESIGNATION AND CHANGE OF DESIGNATION

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A. All actions shall be deemed "General Civil - Class 1" actions at the time they are filed. **At the first case management conference, the court will evaluate each case and assign each case to the appropriate classification for disposition pursuant to the case disposition time goals in California Rules of Court, Rule 209(b).** [Effective date 1/1/04]

B. Upon good cause shown and under any of the following circumstances, the court at any time may enter an order changing the designation of a case: [Effective date 1/1/04]

1. Upon noticed motion, to be heard on the law and motion calendar of the presiding judge. A telephonic appearance for this conference will be accepted by contacting CourtCall. For information about CourtCall and to schedule an appearance, contact them at (888) 882-6878. Any request for a CourtCall appearance must be made at least 2 court days prior to the hearing. No tentative rulings will be issued with respect to motions for redesignation.

2. Upon the court's own motion. [Effective date 7/1/01]

RULE 20.1.6 FILING AND SERVICE OF PLEADING; EXCEPTIONS

A. Complaint. Except as provided in paragraph E below, plaintiff shall within sixty days after filing of any complaint serve the complaint on each defendant along with:

- (1) A copy of the Notice of First Case Management Conference;
- (2) A blank copy of the Case Management Conference **Statement, Judicial Council Form CM110**; and [Effective date 1/1/04]
- (3) A copy of **the Placer County Courts Local Rules of Court §20.1.2 et seq.** [Effective date 1/1/04]

B. Cross-Complaint. Except as provided in paragraph E below, each defendant shall within thirty days after answering the complaint file and serve any cross-complaint not already served with the answer under Code of Civil Procedure section 428.60. The following shall be served with such cross-complaint:

- (1) A copy of the Notice of First Case Management Conference;
- (2) A blank copy of the Case Management Conference **Statement, Judicial Council Form CM110**; and [Effective date 1/1/04]
- (3) A copy of **the Placer County Courts Local Rules of Court §20.1.2 et seq.** [Effective date 1/1/04]

C. Responsive pleading. Except as provided in paragraph E below, each party served with a complaint or cross-complaint shall file and serve a response within thirty days after

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service. Unless otherwise ordered by the court, the parties may by written agreement stipulate to one fifteen day extension to respond to a complaint or cross-complaint.

If the responsive pleading is a demurrer, motion to strike, motion to quash service of process, motion for a change of venue, or a motion to stay or dismiss the case on forum non conveniens grounds, and the demurrer is overruled or the motion denied, a further responsive pleading shall be filed within fifteen days following the issuance of the ruling on the motion or demurrer unless otherwise ordered. If a demurrer is sustained or a motion to strike is granted with leave to amend, an amended pleading shall be filed within fifteen days following the issuance of the ruling unless otherwise ordered.

D. Proofs of service. Proofs of service of complaints and cross-complaints must be filed at least ten calendar days before the Case Management Conference.

E. Exceptions for longer periods of time to serve or respond.

(1) Time to serve may be extended for good cause. Upon ex-parte application to the court, supported by declaration containing facts constituting good cause, any party may obtain an extension of time to serve a pleading, provided that such application is made within the time specified to obtain service or any extension thereof. The filing of a timely application for an extension will automatically extend the time to serve by five days, whether or not the application is granted.

(2) Time to respond may be extended for good cause. Before the time to respond has expired, any party served with a complaint or cross-complaint, with notice to all other parties in the action, may make ex-parte application to the court upon good cause shown for an extension of time to respond. The filing of a timely application for an extension will automatically extend the time to respond by five days, whether or not the application is granted. [Effective date 7/1/01]

F. Letters. Letters do not constitute proper filings in civil cases; therefore, letters will not be accepted or considered by the court. Parties are to file proper declarations, proposed orders with notice to the other parties when requesting the court's consideration. [Effective date 7/1/03]

G. Request to Set Trial for Unlawful Detainers. Parties are to submit self-addressed stamped envelopes addressed to all parties when filing a Request to Set Trial in an unlawful Detainer action. Also see Rule 10.9(M). [Effective date 7/1/03]

H. Documents Not Accepted for Filing. Parties are not to file with the court the following notices, originals are to be maintained by the party authoring them (CRC201.5):

General Notices, including:

Notice of Trial

Notice of Case Management

Notice of Entry of Orders (excluding the Notice of Dismissal)

[Effective date 1/1/04]

I. Plaintiffs in a small claims action MUST provide to the court a self-addressed stamped envelope for all the parties named in the action and a Notice of Entry of Judgement complete with names and addresses typed in at the top of the form. [Effective date 1/1/04]

RULE 20.1.7 MEET AND CONFER STATEMENT

Within 20 days after service of the responsive pleading by the first responding defendant, and thereafter as each defendant responds, counsel for the parties (or the parties themselves if unrepresented by counsel) shall meet and confer for the following purposes:

- (1) To discuss facts which are presently available to support the allegations of the pleading filed by each party;
- (2) To discuss possible settlement of the action including possible arbitration or mediation;
- (3) To exchange preliminary schedules of discovery.

B. Within 30 days after service of the responsive pleading, the parties shall file with the court a Joint Meet and Confer Statement. The statement shall include a brief recitation of the positions of the parties regarding the allegations in the pleading, any stipulations regarding arbitration or mediation, a list of proposed discovery to be accomplished by each party, a list of any pretrial motions anticipated by the parties, and any other pertinent information with respect to the case. [Effective date 7/1/01]

C. It shall be the responsibility of the plaintiff to arrange the conference and to prepare the joint statement for all counsels' or parties' signature. [Effective date 7/1/01]

RULE 20.1.8 CASE MANAGEMENT CONFERENCE

A. Date of conference. A first case management conference will be scheduled and held in all cases approximately 120 calendar days from the date of the filing of the complaint. The date of the conference shall be set by the clerk at the time the complaint is filed. The parties may thereafter stipulate in writing to, and the court may order, that the conference be set at an earlier date.

B. Case at issue. The case shall be at-issue at the time of the conference absent a showing of extraordinary circumstances.

C. Participation in conference. **Appearance at the first case management conference is not required. Appearances at subsequent case management conferences will be required only if deemed necessary by the court. The court will issue a case management**

order not less than 12 calendar days prior to the case management conference. The case management order will include the case disposition date, whether the case has been referred to arbitration and the arbitration completion deadline, the mandatory settlement conference date, the trial date, and any other orders the court deems necessary as provided in California Rules of Court, Rule 212(i). The case management order will be based on the information provided in the Case Management Conference Questionnaires filed by the parties. The court will not consider untimely Case Management Conference Questionnaires in issuing the case management order. The case management order will be mailed to all attorneys and parties without attorneys who have appeared in the action.

Case notes will also be available on the court's web site not less than 12 calendar days prior to the case management conference. Those notes will state whether an appearance is required, what the procedural status of the case is, and what future dates the court has set in the case. The case notes will be updated the court day prior to the case management conference. The court's web site is located at www.placercourts.org.

If an attorney or party without an attorney wishes to appear at the case management conference to discuss the dates set by the court, or any other matter which the attorney or party without an attorney believes should be considered by the court prior to issuing the case management order, the attorney or party without an attorney must provide written notice that an appearance is requested to the court and all other parties. The notice shall be faxed to the Master Calendar Department of the court and all other parties not later the Wednesday prior to the case management conference. Upon receipt of the written request, the court will place the matter on the case management conference calendar and all parties will be required to appear. [Effective date 1/1/04]

Appearances at case management conferences, when required, may be made through CourtCall. Requests for CourtCall appearances must be made directly to CourtCall at (888) 882-6878 at least 2 court days prior to the hearing.

All dates set by the court in the case management order shall be firm unless modified by the court. [Effective date 1/1/04]

D. Designation of trial counsel. Trial counsel and, except for good cause shown, back-up trial counsel must be specified at the first case management conference. If such counsel are not specified, relief from the scheduled trial date may not be obtained based upon the ground that counsel is engaged elsewhere.

E. Conference orders. SUBSECTION DELETED. NO LONGER APPLICABLE [Effective date 1/1/04]

RULE 20.1.9 CASE MANAGEMENT CONFERENCE STATEMENT

No earlier than 30 days but at least fifteen calendar days before the scheduled first case management conference, each party shall file with the Court and serve on all other parties a

completed Case Management Conference **Statement**, along with proof of service. **[Effective date 1/1/04]**

RULE 20.1.10 FURTHER CASE MANAGEMENT CONFERENCES AND ORDERS TO SHOW CAUSE

At least two court days prior to the case management conference and/or order to show cause, each party shall file all documents to be considered by the court in connection with that hearing. Documents filed less than two court days prior to the case management conference and/or order to show cause will not be considered by the court in the making of any orders or the imposition of any sanctions on the parties or counsel at that hearing. **[Effective date 7/1/02]**

RULE 20.1.11 ARBITRATION

A. Election of plaintiff under Rule 1600(b). Plaintiffs are encouraged to elect to arbitrate in appropriate cases prior to the first case management conference. The election **shall be indicated in the Case Management Conference Statement**. **[Effective date 1/1/04]**

B. Stipulation to arbitrate. Parties may stipulate to arbitration in appropriate cases prior to the Case Management Conference. A written stipulation to arbitrate will be deemed to be without a limit as to the amount of the award unless it expressly states otherwise.

C. **Referral to Arbitration. The court will deem all cases suitable for judicial arbitration unless information is provided in the Case Management Conference Statement that indicates a case is not suitable for judicial arbitration. If plaintiff's Case Management Conference Statement fails to provide specific information regarding each plaintiff's damages, the court will assume that such damages are less than \$50,000. If the court does not refer a case to judicial arbitration because the damages are likely to exceed \$50,000, the parties may file a written stipulation to arbitrate without a limit on the award and the court will then refer the case to judicial arbitration if sufficient time remains prior to the trial date. When a case is referred to judicial arbitration, the court will set a deadline for the completion of arbitration. This deadline shall not be modified unless the trial date is also modified by the court. Failure to arbitrate by the date given by the court will result in the arbitration referral being vacated. The deadlines for filing of the arbitration award and a request for trial *de novo* shall be governed by the appropriate statute. Failure to timely file a request for trial *de novo* shall result in entry of judgment based on the arbitration award and vacation of the mandatory settlement conference and trial dates.** **[Effective date 1/1/04]**

D. If the parties agree to judicial arbitration, they will be responsible for payment of the arbitrator's fees pursuant to California Code of Civil Procedure §1141,28(b). **[Effective date 1/1/04]**

RULE 20.1.12 SETTLEMENT CONFERENCES

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A. All long cause civil trials will be set for a judicially supervised mandatory settlement conference before a regularly assigned judge or a designated temporary judge.

B. Not later than 10 days prior to the scheduled conference, all parties shall serve and file a settlement conference statement with the Clerk of the Court. The court may impose monetary sanctions payable to the Superior Court of the State of California, in and for the County of Placer, for failure of any party to timely file a settlement conference statement in accordance with this rule. [Effective date 7/01/02]

C. The first page of each settlement conference statement shall specify, immediately below the number of the case, (1) the date and time of the settlement conference and (2) the trial date. Each settlement conference statement shall include a full and complete statement of the following information to the extent known or contended (Paragraph numbering of statements shall coincide with the following):

1. The attorney or party who is submitting the statement and the party whom the attorney represents.
2. Lead counsel and the represented party for all other parties in the case.
3. A statement of the facts, including any background information necessary to understand the case.
4. Any factual stipulations reached by the parties.
5. Contested issues of facts, including detail of the claimed damages and defenses.
6. Contested issues of law.
7. A statement disclosing the highest offer and lowest demand, and the date of the last settlement discussions.
8. The limits of any available insurance coverage.
9. A statement as to whether or not the case has been through arbitration (attach a copy of any arbitrator's award).
10. A statement as to any special problems relating to settlement.

D. The conference shall be attended by the attorney who will represent the parties at trial, or by the unrepresented party. All parties shall attend the conference, together with adjusters, corporate officers or other designated persons with authority to negotiate in good faith to reach settlements. Telephone standby is not permitted without prior approval of the Presiding Judge.

E. If settlement is reached or the case settles at anytime prior to the settlement conference date or the trial date, Master Calendar must be telephonically notified immediately. A dismissal or stipulated judgment shall promptly be filed with the Clerk of the Court prior to the time standard disposition date. [Effective date 7/1/01]

RULE 20.1.13 FINAL CASE MANAGEMENT CONFERENCE

A. Unless otherwise ordered by the court at the case management conference, the court shall conduct a final case management conference which shall be scheduled for the first day of trial. At least two court days before the conference the parties shall exchange: (1) exhibit lists, (2) witness lists, (3) jury instruction requests, (4) proposed written voir dire questions for

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the trial judge, (5) proposed special verdicts, (6) any stipulations on factual or legal issues, (7) a short non-argumentative statement of the case (two paragraphs maximum) to be read to the jury in jury trials, and (8) any requested written jury instructions. The originals of these documents shall be submitted to the court on the first day of trial.

B. The final case management conference shall be conducted by the trial judge. Motions in limine shall be filed and served on all parties by personal delivery or FAX at least 5 court days prior to trial. [Effective date 7/1/01]

RULE 20.1.14 SANCTIONS

Sanctions may be imposed upon any party and/or counsel for failure to appear, failure to file any statement or document required by these rules, or failure to participate effectively in any conference in good faith. When a case is found not to be ready to proceed to trial or is otherwise out of compliance with the time standards as imposed in the Civil Case Management System as set forth in these rules, the court may impose sanctions which may include dismissal of the case, payment of money, or other appropriate sanction. Also see Rule 10.6. [Effective date 7/1/01]

RULE 20.3 LAW AND MOTION PROCEDURES IN CIVIL MATTERS OTHER THAN FAMILY LAW

RULE 20.3.1 REQUIRED CONFERENCE BEFORE FILING

Prior to filing any motion or demurrer, the moving party must make a reasonable and good faith attempt to resolve the matter, and if resolution is not possible, must attempt to coordinate hearing dates with any opposing parties. A declaration setting forth facts supporting such attempt must be filed with the motion. Orders for examination are exempt from the requirements of this section. [Effective date 7/1/01]

RULE 20.3.2 DROPPING AND CONTINUANCE OF LAW AND MOTION HEARINGS

A. When a matter is to be dropped or continued, counsel for the moving party in the matter shall promptly notify the civil law and motion calendar clerk. [Effective date 1/1/04]

B. No matter may be dropped or continued within 3 court days of the scheduled hearing date without advance permission of the assigned department. [Effective date 7/1/01]

RULE 20.3.3 TENTATIVE RULINGS; OBLIGATIONS OF COUNSEL

A. On the afternoon of the court day before each regularly scheduled law and motion calendar, the court will cause to be recorded a tentative ruling on each matter on the next day's calendar. The tentative rulings will be available after 12:00 noon by telephoning a voice-mail message at (530) 886-5288. The tentative ruling shall become the final ruling of the court unless a party advises all other parties and the court of a request for oral argument. Such request shall be made by calling (530) 889-6529 and leaving recorded message with the court no later than 4:30 on the court day preceding the hearing. The message shall state the name and number of

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the case, the party requesting the oral argument, and a statement that the other parties have been notified of the request. When a request for oral argument is made, or appearance is required by the court, limited argument will be allowed, not to exceed 5 minutes per side. This tentative ruling procedure is applicable only to the regularly scheduled civil law and motion calendar. It is not applicable to the Presiding Judge's Case Management, OSC, or Presiding Judge Motion calendars, or any other calendars absent court order; for those calendars, no tentative ruling will be issued. [Effective date 7/1/01]

B. All noticed motions and demurrers in departments which issue tentative rulings shall include the following information in the notice:

“Pursuant to Local Rule (20.3.3) on the afternoon of the court day before each regularly scheduled law and motion calendar, the court will cause to be recorded a tentative ruling on each matter on the next day's calendar. The tentative rulings will be available after 12:00 noon by telephoning a voice-mail message at (530) 886-5288. The tentative ruling shall become the final ruling of the court unless a party advises all other parties and the court of a request for oral argument. Such request shall be made by calling (530) 889-6529 and leaving a recorded message with the court no later than 4:30 p.m. on the court day preceding the hearing.” [Effective 7/1/02]

**RULE 20.3.4 PAGE LIMITATIONS AND SPECIFIC CONTENT REQUIREMENTS
FOR MOTIONS; DEMURRERS; MOTIONS TO STRIKE;
SUMMARY JUDGMENT/ADJUDICATION; DISCOVERY
MOTIONS; MOTIONS TO WITHDRAW; MOTIONS TO AMEND
PLEADING; REQUESTS FOR SANCTIONS; MINOR'S
COMPROMISE; PETITIONS FOR WITHDRAWAL OF FUNDS;
CLAIMS OPPOSING FORFEITURE**

A. Applications to exceed page limit. Any application to exceed the page limitations pursuant to Rule 313(d) of the California Rules of Court shall be accompanied by a copy or draft of the memorandum of points and authorities which the party wishes to file.

B. Reports of other jurisdictions. If counsel cites authority other than from a California officially reported appellate decision or state statute or rule, a copy of such authority shall be attached. This rule applies to federal cases from California jurisdictions, Administrative Code citations, Attorney General opinions, local ordinances, etc., as well as citations to other state and federal cases.

C. Affidavits and declarations. Any written statement purporting to set forth factual information in support of any motion, petition, or other application must affirmatively demonstrate, and not merely recite, that the party making and signing the same has personal knowledge as to the matters set forth therein.

D. Discovery motions. In any motion to compel answers to interrogatories or responses to a request for production, motion to compel attendance at a deposition, or motion to deem requests for admissions admitted, where no response to the discovery has been received,

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the moving party shall attach to the motion a copy of the discovery documents at issue, together with a copy of the proof of service of the discovery documents.

E. Motions to withdraw as attorney of record.

The withdrawal of an attorney after order granting a motion to withdraw will not be effective until the signed order allowing withdrawal is served on the client and all other parties. Proof of service of the signed order of withdrawal shall be filed with the court. (CRC 376)

F. Motions to amend pleading.

(1) A motion to amend a pleading shall include a copy of the proposed amended pleading. Counsel shall bring the executed original of the amended pleading to the hearing on the motion. The amended pleading shall be serially numbered to differentiate it from prior amended pleading.

(2) A motion to amend a pleading shall also include a declaration by counsel specifying:

- (a) The effect of the amendment;
- (b) The allegations to be deleted from the prior pleading, and the page, paragraph, and line where those allegations appear in the prior pleading;
- (c) The allegations to be added to the prior pleading, and page, paragraph, and line where those allegations appear in the proposed amendment;
- (d) Why the amendment is necessary and proper.

(3) A motion to amend a pleading shall designate the pages, paragraphs, and lines of the pleading which are thereby being amended. The proposed amended pleading should be executed in the same manner as the original pleading, and if the original pleading was verified, the amended pleading should be verified. An amendment shall not be made by alterations on the face of a pleading except by permission of the court. All alterations shall be initialed by the court or clerk.

G. Requests for monetary sanctions. When seeking monetary sanctions, the requesting party must so state in the notice of motion, and state against whom sanctions are sought. The request must be supported by citation to the appropriate legal authority. The motion shall be accompanied by a declaration setting forth facts supporting the amount of any monetary sanctions sought, including a statement of time spent in preparation of the motion, the estimated time to be spent at the hearing, the attorney's hourly rate, and any costs claimed.

H. Minor's compromise.

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(1) A petition for court approval of a compromise or covenant not to sue pursuant to Probate Code §2504 or 3500 shall be verified by the petitioner and, in addition to the matters required by California Rules of Court, Rule 241(b) and (c), shall contain:

- (a) The name, birthdate, age, and sex of the minor or incompetent person;
- (b) The nature and extent of the injury giving rise to the claim with sufficient particularity to inform the court whether such injury is permanent or temporary;
- (c) A doctor's report containing a diagnosis of the injury, a current report of present condition, and prognosis for future medical care;
- (d) The facts and circumstances out of which the claim or injury arose, including the time, place, and persons involved;
- (e) A full disclosure of all information concerning the reasonableness of the proposed compromise or covenant not to sue, including the amounts, if any, paid or to be paid to other claimants;
- (f) If the settlement is structured, the present cash value of the settlement;
- (g) A summary of all medical expenses paid or owing to each health care provider, and the source of any payments;
- (h) If the money is to be deposited in an account subject to withdrawal only upon order of the court, the name and address of the depository; and
- (i) The amount of attorneys' fees requested. Attorneys fees allowed shall not, under normal circumstances, exceed 25% of the amount recovered. In computing fees, the expenses of litigation to be reimbursed shall not be included in the "amount recovered" for the purpose of fixing fees. Such expenses of litigation shall be separately itemized. Except in cases of hardship, parents should pay their proportionate share of attorneys' fees and costs.

(I) Petition for withdrawal of funds. A petition for withdrawal of money deposited in a bank, trust company, or savings and loan association on behalf of a minor or

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incompetent person shall be verified by the guardian, conservator, or trustee and, in the case of a competent minor, by such minor if the minor is at least 12 years of age. The petition for withdrawal shall contain the current age of the minor, the current amount on deposit, the amount and purpose of prior withdrawals, and the amount and purpose of the present withdrawal.

(J) Claim opposing forfeiture. No claim opposing forfeiture will be filed unless it contains proof of service of the claim on the District Attorney. [Effective date 7/1/01]

RULE 20.3.5 ORDERS AFTER HEARING; COMPLIANCE WITH ORDERS

A. In addition to the requirements of Rule 391 of the California Rules Court, the parties to a law and motion matter shall make a good faith attempt to resolve any dispute as to the form of an order after hearing. Counsel preparing the order after hearing shall secure the approval of opposing counsel as to the form of the order after hearing within 10 days of submitting the same for approval. Any unreasonable failure to approve the form of an order may subject the opposing party to sanctions in accordance with these rules. The order signed by the court shall be served on all parties within 5 days of receipt of the order signed by the court.

B. Unless otherwise directed, any necessary compliance with the order after hearing shall be within 10 days of service of the signed order. [Effective date 7/1/01]

RULE 20.3.6 APPLICABILITY OF RULE 20.3

A. The requirements of rule 20.3 are in addition to all applicable provisions of the Code of Civil Procedure, the California Rules of Court, and any other state statute or rule, and shall apply to the following matters, subject to the exceptions listed in subsection B:

(1) Unless the context dictates otherwise, all motions, applications, petitions, or demurrers in all civil actions;

(2) In probate matters, to all demurrers, motions involving discovery, motions concerning the sufficiency of the pleading, and motions for summary judgment;

(3) Any pre-trial motion or demurrer concerning any petition for extraordinary relief or any petition for administrative mandate;

(4) Any hearing on any petition for extraordinary relief or any petition for administrative mandate which will be submitted to the court for determination without a contested evidentiary hearing.

B. The requirements of this Rule 20.3 shall not apply to the following matters:

(1) Domestic relations matters;

(2) Probate matters other than those listed in subsection A(2) above;

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(3) Notwithstanding subsections A(1), (3), and (4) above, civil matters collateral to criminal actions such as a petition for extraordinary relief or writ of habeas corpus. [Effective date 7/1/01]

RULE 20.4 SETTLEMENTS

A. It is the duty of counsel to notify the court whenever a case has been settled. Failure to do so may result in sanctions including the assessment of one day's jury fees in cases in which a jury panel has been assembled to hear the case. If settlement is effected at anytime prior to the trial date, a dismissal or stipulated judgment must be filed with the clerk prior to the trial assignment conference date.

B. For any civil case settled on a trial date, the party requesting the jury trial may be required to pay one day's jury panel fees pursuant to California Code of Civil Procedure, section 631.1. [Effective date 7/1/01]

RULE 20.5 CIVIL JURY FEES AND EXPENSES

A. A jury fee deposit of \$150.00 shall be made with the clerk of the court at least **25** days before trial in a civil action. On the first day of trial the courtroom clerk will prepare a form for the party/attorney to sign regarding financial responsibility for jury costs. Subsequent to the trial's completion, the respective parties will be billed for the actual jury expenses. Failure to deposit such monies shall be deemed a waiver of trial by jury and the court in its discretion may proceed to judgment without a jury, or upon such terms as may be just, with a jury. [Effective date 1/1/04]

B. It is the obligation of the party or attorney who demands a jury trial in a civil action to pay all costs of the jury including fees, mileage and meals incurred during the trial.

C. Jury fees on deposit with the clerk shall not be returned if an action is dismissed or the trial by jury is waived after the deposit of the jury fees pursuant to G.C. 68085. [Effective date 7/1/01]

RULE 20.6 CONTINUANCES OF CIVIL TRIALS AND SETTLEMENT CONFERENCES

No trial of any civil case or any settlement conference will be continued except upon noticed motion set before the Presiding Judge, **or upon an ex parte application based upon the stipulation of all parties.** No tentative ruling will be issued on such motions. **No continuance, whether upon noticed motion or stipulation, shall be granted unless good cause is shown as provided in California Rules of Court, Rule 375. A trial conflict not noted in a timely filed Case Management Conference Questionnaire shall not be deemed good cause unless such conflict arose after the trial date was set and could not reasonably have been avoided.** [Effective date 1/1/04]

RULE 20.8 SCHEDULE OF ATTORNEY FEES IN DEFAULT ACTIONS

A. Whenever obligations sued upon provide for the recovery of reasonable attorney fees, the fees in default cases shall be fixed pursuant to the following schedule:

- (a) 25% of the first \$2,000, with a minimum of \$150.
- (b) 20% of the next \$4,000
- (c) 15% of the next \$4,000
- (d) 10% of the next \$10,000
- (e) 5% of the next \$30,000
- (f) 2% of the next \$50,000
- (g) in excess of \$100,000 as authorized by the court

B. In any case wherein the attorney claims that he or she is entitled to a fee in excess of the schedule set forth, or in any case where relief is awarded other than monetary relief, the attorney may apply to the court therefore and present proof to support his or her claim. The court will then set the fee in accordance with the proof offered.

C. When a plaintiff is entitled to attorney's fees in a residential unlawful Detainer default judgment, the court will award the sum of \$250 as an attorney fee. If a defendant has filed an answer which requires the matter to be set for trial and it is uncontested, the court will award the sum of \$325 as an attorney fee. If the matter is contested at trial, the court will award \$400 as an attorney fee. The court may adjust these amounts upon a showing of sufficient justification. Attorney's fees in a commercial unlawful Detainer shall be determined by the court upon evidence presented at the hearing or by declaration if no hearing is held. [Effective date 7/1/03]

RULE 20.9 TELEPHONE APPEARANCES

A. Telephone appearances through CourtCall are allowed only on the following calendars: (1) Case Management Conference, (2) Presiding Judge OSCs, and (3) Presiding Judge motions. Requests for CourtCall appearances must be made directly to CourtCall at (888) 882-6878 at least 2 court days prior to the hearing. A party or counsel for a party may appear and present oral argument by telephone on matters pending before the court only with prior approval of the court department in which the matter is pending. Except upon good cause shown, no appearance by telephone will be permitted by any party or counsel whose home or office address is within 50 miles of Placer County. Any such telephonic appearance will be scheduled at such time as the court may designate.

B. On all other matters, telephone appearances are allowed as follows:

1. A party or counsel requesting a telephonic appearance shall so indicate in moving or opposing papers by specifying in the caption, "TELEPHONIC APPEARANCE REQUESTED." Parties to an ex parte application may orally request a telephonic appearance from the department in which the ex parte application is set to be heard. A party or counsel requesting a telephonic appearance on matters other than ex parte applications shall contact the court on the day prior to the hearing to determine if the court has granted the request. With respect to matters set on the civil law and motion

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calendar, a request for telephonic appearance in the moving or responding papers shall not relieve a party from also requesting a law and motion hearing pursuant to local rule 20.3.3.

2. If a telephone appearance has been pre-approved, the parties desiring to participate on the telephone shall contact the clerk of the department 24 hours prior to the appearance for specific instructions. [Effective date 7/1/02]

RULE 20.10 EXERCISE OF PEREMPTORY CHALLENGE UNDER CODE OF CIVIL PROCEDURE SECTION 170.6

A. If a case is assigned by the Presiding Judge to a particular judge for trial or hearing, such case having previously been placed on telephone stand-by, the parties to such action shall have two hours from the attorney time actually receiving of such assignment within which to exercise any challenge against the particular judge under the provisions of Code of Civil Procedure section 170.6.

B. Challenges exercised in accordance with these provisions may be exercised by facsimile motion transmitted to Master Calendar by the party or the party's counsel, such facsimile motion to be followed by an original written motion to be filed with the court. [Effective date 7/1/01]

30.00 FAMILY LAW

RULE 30.1 MEDIATION PROCEDURES

A. Mandatory mediation.

1. In any action involving issues of child custody and visitation, including any action for Dissolution of Marriage, Legal Separation, Paternity (excluding Dept. of Child Support Services actions) or Domestic Violence, whether the issue of custody and visitation is disputed or not, the parents must attend the Placer County Mediation Orientation Program prior to the entry of judgment. Verification of attendance shall be provided to the court. Unless excused by the court for good cause shown, both parents must attend. [Effective date 7/1/03]

2. In any action in which custody or child visitation is disputed, the parties must attend mediation. At the time of filing a petition, initial motion, or order to show cause which seeks orders re: custody or visitation, both parties shall be ordered to attend a mediation orientation session prior to the first court appearance. The order to attend mediation orientation shall be served upon the other party along with any petition, notice, or order to show cause. This rule applies to any action which raises the issues of custody and visitation including dissolution, legal separation, domestic violence, and paternity actions. If possible, both parties should attend the same orientation session. A mediator will be appointed only at original motion. In the event of the filing of any additional motions or orders to show cause, parties will not be sent to mediator unless party/counsel so requests in a declaration indicating the reason for the request and including the order to mediation on the front page of the Order to Show Cause/Motion. The OSC/Motion will require Judge's signature. [Effective date 7/1/02]

If the parties reach an agreement at the orientation session the agreement shall be forwarded to the court for approval. If the parties reach an agreement at the Orientation class and either party has an attorney, the parties shall have their attorney review their agreement prior to the court approving the stipulation. Once signed by the court, the agreement of the parties shall become the order of the court. In the event the parties are unable to reach agreement at the orientation session, the parties will be referred to an individual mediator. [Effective date 7/1/03]

Assignment of a mediator shall be made by the court's mediation coordinator or the Director of Family Court Services. The mediation coordinator shall appoint a mediator with due regard to the geographic location of the parties. Any party receiving notice of the assignment of a mediator shall notify the opposing party forthwith of the appointment of the mediator. Notices are mailed to all parties and attorneys of record by the court. [Effective date 7/1/03]

The parties shall attend mediation prior to the scheduled court hearing. The parties shall arrange all appointments with the mediator. A willful failure to participate in mediation prior to the court hearing may result in sanctions.

Any reference to a party in the rules relating to mediation shall be deemed to refer to parties or their attorneys if such parties are represented by counsel.

3. Court referrals and continuances.

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Parties who appear in court without having participated in mediation orientation will be ordered to attend the orientation program unless waived by the court for good cause shown. The court shall continue the matter to a date set by the court to allow both parties completion of the mediation program. The court may make such temporary orders for support, custody, or other relief as may be appropriate, pending completion of the mediation process.

B. Confidential and non-confidential mediation.

1. **Non-Confidential Mediation.** In the absence of a stipulation to the contrary, all mediation shall be deemed to be non-confidential. In the event the parties are unable to reach an agreement in mediation, the mediator shall report that fact to the court, and shall make a recommendation to the court in writing. The court shall receive the recommendation from the mediator into evidence at the time of any hearing of the matter for which mediation was ordered. No foundational or authentication evidence of the recommendation shall be necessary prior to the admission of the recommendation.

The recommendation in non-confidential mediation should contain the mediator's reasons for the recommendation, or any other pertinent information disclosed by any party to the mediation, or obtained by the mediator through contact with third parties. [Effective date 7/1/03]

Any party may cross-examine a mediator with regard to that mediator's recommendation, subject to the notice and appearance fee requirements set forth in this rule.

2. **Confidential Mediation.** In the event the parties so stipulate, they may engage in confidential mediation. Mediation shall be deemed confidential by the court only if both parties and their attorneys sign the stipulation provided by the court without any alteration of the terms of the stipulation. In the event the parties are unable to reach an agreement in mediation, the mediator shall report that fact to the court, and shall make a recommendation to the court in writing. The court shall receive the recommendation from the mediator into evidence at the time of any hearing of the matter for which mediation was ordered. No foundational or authentication evidence of the recommendation shall be necessary prior to the admission of the recommendation.

The recommendation in confidential mediation shall not contain the mediator's reasons for the recommendation, nor any personal information disclosed by any party to the mediation.

3. **Agreements and Recommendations in Mediation.** If the mediator reports an agreement to the mediation coordinator, the coordinator shall direct the mediator's letter to a judicial officer, who will then enter an order directing the parties to comply with the terms of their agreement. The court's temporary order shall be entered on the agreement as reported by the mediator and any party objecting thereto shall file a motion objecting to the entry of the order within 15 days after service of the order. Until the court otherwise orders, any such temporary order shall be a valid order.

If the mediator reports a recommendation to the mediation coordinator, the coordinator shall file the recommendation in the action and it shall be the responsibility of the parties or their

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attorneys to bring the matter on the calendar of the court for hearing by motion or order to show cause.

In any event a mediator makes a recommendation to the court prior to entry of an order respecting temporary custody or visitation, the recommendation shall state the mediator's suggestions for the places, times and manner of temporary living arrangements for each child, including visitation. The recommendation may include proposals for restrictions or conditions of visitation. Any order entered by the court respecting temporary living arrangements for children shall be valid until the entry of a subsequent order.

4. **Attendance of Mediators at Court Hearings.** Any party may subpoena a mediator to court to testify in a non-confidential case. Such subpoenas shall direct the mediator to report only at such times as the court directs for the hearing of cases involving the testimony of mediators. Any subpoena of a mediator must be served no less than 28 days prior to the hearing in question. The fee for the mediator's appearance shall be set by the mediator, but shall not exceed \$125 an hour. Such fee must be deposited with the mediator at the time of the service of the subpoena. [Effective date 7/1/03]

5. **Continuances.** In the event the hearing for which the mediator has been subpoenaed is continued or otherwise canceled, notice of the continuance or cancellation of the hearing must be given at least 10 days before the date and time of the scheduled hearing. If such notice is not given, then the appearance fee of the mediator shall be deemed earned, and the party posting the fee shall not be entitled to a refund of any portion of said fee.

C. Peremptory challenges of mediators.

Each party may peremptorily challenge a mediator who is assigned for the first time in a case. The challenge may only be made at the time the mediation assignment is made by the mediation coordinator, and both parties, or their counsel, if represented, are notified of the assignment by the mediation coordinator. Mediation assignments may be challenged within seven (7) days from the date of the naming of the mediator. The party or their attorney may call the mediation coordinator to challenge the mediator. This challenge shall then be confirmed by the party or their attorney in writing (FAX is acceptable). [Effective date 7/1/02]

A party shall only be entitled to exercise one peremptory challenge of a mediator, regardless of the number of times the matter is referred to mediation.

Note: this rule (30.1C)) does not apply when the assignment is for emergency mediation. [Effective date 1/104]

D. Cause challenge of mediator.

The court may relieve a mediator of an assignment upon a showing of good cause or upon the request of a mediator.

E. Peremptory challenges limited to mediators.

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The procedure for peremptory challenges to mediators shall not apply to any other evaluator appointed by the court, including mental health professionals, probation officers, or other custody evaluators. [Effective date 7/1/01]

**RULE 30.2 CONFERENCE PRIOR TO DOMESTIC RELATIONS LAW
AND MOTION MATTERS**

All counsel shall meet and confer before each scheduled domestic relations law and motion hearing and make a reasonable effort to resolve disputed issues pending before the court.

Counsel shall exchange, in advance of the hearing, and at the first practical opportunity, all documents which are intended to be offered to the court, including declarations, evidence or exhibits.

In the event that the meet and confer requirements are not satisfied, the court may take any of the following actions:

- A. Continue the hearing.
- B. Set a hearing for the imposition of sanctions.
- C. Assess reasonable attorneys fees against the non-complying party.
- D. Strike all or part of the non-complying party's motion or response, as the case may be.
- E. Make such other orders as the court may deem appropriate. [Effective date 7/1/01]

RULE 30.3 TEMPORARY SPOUSAL SUPPORT

(A) The following rule shall be a discretionary guideline for awarding temporary spousal support.

(B) In cases where there is no child support, temporary spousal support will be 40% of the net income of the payor minus 50% of the net income of the payee.

(C) In cases where there is child support, the net income of each party allocated to children will not be considered for spousal support (Income allocated is not the same as child support.) The balance of the income of each party will be considered for spousal support. The guideline for spousal support is 35% of the net income of the payor available for spousal support minus 40% of the net income of the payee available for spousal support.

(D) In determining net income, the actual filing status of the parties, exemptions taken, and actual deductions used or to be used on a tax return will be considered rather than the amount set out on a payroll stub. Net income for purposes of spousal support will be adjusted to reflect the tax effects of the payment of spousal support. Computer programs designed to

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accomplish this result will allocate the income tax consequences of spousal support so that the tax savings accomplished by a transfer of income from one party to another as spousal support will be allocated proportionately to each party based on their net incomes prior to the adjustment.

(E) The formula for determining spousal support is:

Determine K under the child support formula including the increase for number of children and the H% factor increase $SS = (HN - HN \times K) \times .35) - ((LN - LN \times K) \times .4)$

SS is spousal support, HN is high earner's net, LN is low earner's net.

(F) The termination of child support may be a change of circumstance for purposes of determining spousal support.

(G) It is not the intention of the spousal support guideline to reduce combined spousal support from levels previous to July 1, 1992 and the combined support under the above rule will always equal or exceed the prior temporary guideline under Rule 1274 for combined child and spousal support. [Effective date 7/1/01]

RULE 30.4 STANDARD DISCOVERY IN FAMILY LAW CASES

In any family law proceeding wherein a party is seeking either child or spousal support, each party shall exchange the following documentation without the necessity of a request therefore, at least five calendar days prior to the scheduled hearing:

A. Copies of the two most recent paychecks or stubs.

B. Federal and state income tax returns for the last two years.

C. Copies of any current W-2, W-4 and 1099 forms.

D. Business entity Federal and State income tax returns for the last two years.

E. Any other documentation requested by the opposing party, provided such request is made in writing at least ten days prior to the scheduled hearing. The party required to produce such additional documentation, however, may raise in writing any objection to the production of said documentation, provided that such objection be conveyed to the requesting party prior to the date of the scheduled hearing and provided, further, that the objecting party brings the subject documentation to the scheduled hearing. The court shall resolve any objection at the hearing. Failure to object as herein provided may be deemed a waiver of any objection to the production of the requested documentation.

F. If a party fails to comply with this rule, upon request of a party or upon the court's own motion, the court may take any of the following actions at the scheduled hearing:

1. Continue the hearing.

2. Set a hearing for imposition of sanctions.
3. Assess reasonable attorney fees against the non-complying party.
4. Strike all or part of the non-complying party's motion or response, as the case may be.
5. Make such other orders as the court may deem appropriate. [Effective date 7/1/01]

**RULE 30.5 COMPUTATION OF PERCENTAGE OF VISITATION
EXERCISED BY NON-CUSTODIAL PARENT**

In calculating the percentage of time with the non-custodial parent, the basis shall be the actual number of hours spent with the child. When the existing custody/parenting time order does not specify exchange times, the following definitions will be applied by the court.

- (a) One "evening" counts as no more than six hours;
- (b) An overnight counts as no more than twelve hours;
- (c) A standard weekend (Friday at 6:00 p.m. to Sunday at 6:00 p.m. counts as no more than 48 hours.

Any other parenting periods are counted as the actual hours spent with the child. The party requesting that the court determine an exact calculation of the parenting time percentage shall have the burden of providing a detailed analysis (in writing), justifying the percentages requested. Failure to provide the analysis to the court may cause the request to be denied. [Effective date 7/1/01]

**RULE 30.5(1) APPOINTMENT OF CUSTODIAL EVALUATION PURSUANT
TO EVIDENCE CODE SECTION 730 AND 3110 REPORT [Effective
7/1/03]**

In the event the court orders a custody evaluation pursuant to Evidence Code section 730 upon stipulation of the parties, the report of the evaluator shall be received into evidence without further need for authentication unless an objection is filed one week prior to the scheduled hearing. [Effective date 7/1/01]

**RULE 30.6 CONTACT BETWEEN COURT-APPOINTED EVALUATORS
AND MINOR CHILDREN**

The following rule is adopted pursuant to California Rules of Court, Rule 1257.

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(A) Disclosure of Non-confidential nature of evaluations. There shall be a presumption that any person conducting an evaluation for the court, except a court appointed mediator engaged in a confidential mediation, shall disclose to any minor child over the age of 5 years that the mediation or evaluation is not confidential. When a minor child of any age is represented by counsel, the decision whether the child shall be informed of the lack of confidentiality shall be solely with counsel for the minor.

(B) Evaluation of parents with children. It shall be preferred, but not required, that when a child is seen with one parent or party as part of an evaluation, that the child be seen with the other parent or party.

(C) Interviews with siblings. Where a mental health expert is appointed to evaluate the parties or the children pursuant to Evidence Code §730, interviews with siblings shall be, at least in part, conducted separate from other siblings. This subdivision shall not apply to mediators or probation officers.

(D) Interview of only one parent or party. Unless otherwise ordered by the court, an evaluation may be based upon the interview of only one parent or party only in the following situations:

1. When the other parent or party refuses to participate in the evaluation;
2. Where the other parent or party fails to participate in the evaluation process through his or her own fault;
3. Where the other parent or party engages in conduct which is obstructive, obnoxious, threatening toward the evaluator, or the other party has repeatedly canceled appointments and has not made himself or herself readily available for appointments;
4. When the other parent or party is not reasonably available for interview or evaluation in person due to any reason, and evaluation of that parent is impractical, unduly burdensome, or impossible.
5. When an evaluation of the other parent or party is unnecessary to resolve the issues before the court.

(E) Use of Reports or Evaluations. All reports or evaluations concerning child custody or visitation shall be deemed confidential, and shall not be open to inspection by the public. Said reports or evaluations shall be maintained within each file in an envelope clearly marked as containing confidential material.

1. Access to Reports. Access to reports shall be restricted to the following persons:
 - a. The attorneys for any party, including a minor child's attorney;
 - b. Any party representing himself or herself in propria persona;

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- c. Other evaluators retained for the purpose of litigation, whether or not court appointed.

Access to reports by minor children shall not be allowed, except through counsel appointed to represent the minor. No party, attorney for a party, or other evaluator shall disclose to or discuss with a minor child any portion of a report or evaluation, except by written order of the court, for good cause shown.

Except upon order of the court, no portion of any report of a court appointed evaluator shall be disseminated to any person or entity not concerned with the litigation in which the issue of custody or visitation is pending. This provision does not prohibit a party or counsel for a party from providing a personal therapist for any party or minor child from receiving all or a portion of the evaluation.

The following documents are deemed to be confidential and are not available for inspection by the parties or their attorneys regarding child custody and evaluation reports: 1) Access/CPS notes and reports, 2) CII records, 3) medical reports, 4) mental health professional's reports, 5) restricted law enforcement reports, 6) substance abuse reports, and 7) mediator's and evaluator's notes. Parties seeking to inspect such reports must petition the court for an order permitting such inspection. To the extent that the contents of such reports have been disclosed in another manner, or have otherwise been made discoverable, such documents will no longer be deemed confidential. [Effective date 7/1/03]

2. Use of Report information. The information provided in any evaluation made to the court shall be used only in the litigation pending before the court, except by order of the court.

(F) Grievance Procedures. Any grievance concerning a court- ordered evaluation or child custody mediation report shall be directed to the Director of Family Court Services. Those grievances which are not, on their face, frivolous, or made in bad faith, shall be the subject of inquiry by the court or its personnel. The results of the inquiry shall be communicated in writing to the person making the grievance. The person filing the complaint shall be provided the Family Court Services complaint packet. The complaint packet shall be returned to the Director of Family Court Services for review. If the complaint concerns the Director of Family Court Services, the complaint shall be reviewed by the Supervising Family Court Judge or Court Executive Officer. [Effective date 7/1/03]

(G) Fee for Subpoena Should an attorney or pro per litigant subpoena the court employed child custody evaluator to testify at a court hearing or at a deposition, a fee of \$150 shall be paid to the court at the time the subpoena is served {Government Code 68096.1(b)}. This fee shall be applied to the time spent by the evaluator to prepare for testifying. The party who files the subpoena may receive a refund if no time was spent preparing or may receive a subsequent bill if the time the evaluator spent preparing exceeds the \$150 deposit. The rate of billing is equal to the evaluator's total hourly cost to the court. Any deposition of the court employed child custody evaluator shall be arranged and agreed to with the evaluator at least 20 days in advance. [Effective date 7/1/03]

RULE 30.7

APPROVAL AND INCORPORATION OF AGREEMENTS AND

STIPULATIONS IN FAMILY LAW MATTERS

No property settlement agreement, or stipulation or agreement for entry of any order or judgment wherein the parties settle any issue relating to property, support, custody, visitation or paternity will be approved by the court or incorporated by reference into a judgment without meeting the following requirements:

(1) If both parties are represented by counsel, the agreement must be signed by both parties and their respective counsel.

(2) If any one of the parties is represented by counsel, the agreement must be signed by both parties and the attorney for the represented party. The signature of the unrepresented party must be notarized, or acknowledged before a clerk of the court under Civil Code §1181(a) and must appear immediately after the following statement: (Effective date 7/1/01)

"The undersigned party has been advised to consult an attorney regarding the subject matter of this agreement, but has declined to do so."

(3) If neither party is represented by counsel, the agreement must be signed by both parties. The signatures of the parties must be notarized, or acknowledged before a clerk of the court under Civil Code §1181(a) and are to appear immediately after the following statement: (Effective date 7/1/01)

"The undersigned parties understand that they have the right to consult an attorney regarding the subject matter of this agreement and knowingly give up that right." [Effective date 7/1/01]

RULE 30.8 ORDERS AFTER HEARING IN FAMILY LAW CASES

A. Orders after hearing - Approval as to form. After any hearing before the court wherein the parties are represented by counsel, counsel preparing the order after hearing shall secure the approval of opposing counsel as to the form of the order after hearing within 10 days of submitting the same for approval. Any willful failure to approve an order which correctly sets forth the order of the court will be a violation of this rule, and shall be grounds for an award of attorneys fees pursuant to Family Law Code sections 271, 2030, and for sanctions payable to the court pursuant to CCP section 177.5.

In the event an order is submitted to counsel within the time provided in this rule, and no objection from counsel is made to the form of the order within the time provided to respond, the party preparing the order may thereafter submit the order to the court for approval, and the order shall be presumed to be accurate.

(B) An original and not less than three copies of proposed orders sought under the Domestic Violence Prevention Act (Family Law Code section 6200, et seq.) and orders restraining harassment under CCP section 527.6 shall be lodged with the court at the time of the filing of the motion or shall be brought to the hearing on the motion. [Effective date 7/1/01]

**RULE 30.9 PRE-TRIAL CONFERENCES AND STATEMENTS OF
ISSUES AND CONTENTIONS**

- (A) Counsel and the parties shall personally appear for a mandatory pre-trial conference to be scheduled by master calendar, or by direct referral by the court, or upon the filing of a memorandum to set
- (B) The court will issue pre-trial orders designating the following:
 - (1) the case as long cause or short-cause;
 - (2) which specific issues are to heard at the trial;
 - (3) whether a statement of issues and contentions is required, and on what issues;
 - (4) the time allotted to each party at trial.
- (C) The court will strictly adhere to designated time allotments.
- (D) All matters under 4 hours shall be considered short- cause and will be assigned a trial date by the family law judge.
- (E) All matters over 4 hours in length shall be considered long-cause and will be placed on the presiding judge's master calendar for trial assignment.
- (F) If a Statement of Issues and Contentions is ordered at the pre-trial conference, such statement must be filed by each party 15 calendar days before the trial date. In the event either party fails to file such a statement the court may award any other party reasonable attorney's fees and may impose sanctions payable to the court. In addition, the court may continue or vacate the existing trial date, drop the case from the civil active list, or preclude the defaulting party from litigating certain or all issues.
- (G) Contents of Statement of Issues and Contentions. Unless specified otherwise in the Pre-Trial Conference Order, each party shall set forth the following information:
 - (1) The party's contentions with respect to each asset and obligation sought to be disposed of by the court, including any "credits" or "charges" to which the party claims entitlement;
 - (2) A factual and legal analysis of all issues of tracing, characterization, reimbursement, credits and apportionment of property;
 - (3) The party's contentions and specific proposals with respect to the issues of child custody, parenting time, and child support;
 - (1) The party's contentions and specific proposals with respect to the issue of spousal support giving full consideration of the applicable factors under Family Code §4320. [Effective date 7/1/01]

RULE 30.10 FAMILY LAW FACILITATOR

The Family Law Facilitator is authorized to perform all duties set forth in Family Code 10005, including any other such duties as the court may prescribe. (Effective date 7/1/01)

40.00 CRIMINAL RULES

RULE 40.1 DEFINITION OF TERMS

For the purpose of these rules the following terms and procedures shall apply:

a. Early Status Conference (ESC):

Responsible counsel for the defense and prosecution shall attend the conference. The personal appearance of the defendant is mandatory unless excused, in advance, by the court. Prior to the ESC discovery shall have been exchanged. At the ESC the prosecuting attorney shall be prepared to make an offer to the defendant to settle the case.

b. Trial Confirming Conference (TCC):

Responsible counsel for the defense and prosecution shall attend the conference. The personal appearance of the defendant is mandatory unless excused, in advance, by the court. The court may, but is not required, to entertain further settlement discussions. If the case is not resolved by plea, counsel shall be prepared to advise the court of the estimated length of trial, the nature and length of any in limine motions and any other matter affecting the scheduling of the case. Any calendar conflict of responsible trial counsel shall be resolved prior to the TCC by reassignment of the case to another attorney or by appropriate motion for continuance filed in a timely manner.

c. Trial Assignment (TA):

Responsible counsel for the defense and prosecution shall attend trial assignment. The personal appearance of the defendant is mandatory unless excused, in advance, by the court. Trial attorneys who are unable to appear at trial assignment calendar because of other court appearances shall personally appear at the assigned trial department by 3:30 p.m. the same day unless they are unable to leave the other department, in which case they shall telephone the assigned trial department before 1:30 p.m. to explain their situation.

d. Responsible Counsel:

As used in these rules, the term "responsible counsel" means an attorney assigned to the case or an attorney appearing for an attorney assigned to the case with complete authority for disposition of the case and sufficiently advised of the factual and legal issues involved in the case so as to be able to discuss, in good faith, resolution of the case without necessity of trial. [Effective date 7/1/01]

RULE 40.2 MISDEMEANOR SETTINGS

SUPERIOR COURT OF CALIFORNIA, IN AND FOR THE COUNTY OF PLACER

(A) At arraignment for a misdemeanor violation, the following hearings will be set with the date determined by the Court:

1. Early Status Conference (ESC)
2. The last day to hear any pretrial motions and the Trial confirming Conference (TCC)
3. Trial Assignment Conference (TAC)
4. Trial Date

(B) Waiver of arraignment; submission by FAX:

Unless otherwise ordered by the court and except as otherwise required by statute, in misdemeanor and infraction cases, counsel will be permitted to submit to the court an authorized waiver of arraignment by FAX or otherwise. [Effective date 7/1/03]

RULE 40.3 FELONY SETTINGS

(A) At arraignment for a felony violation, the following hearings shall be set and the dates determined by the Court:

- a. Early Status Conference (ESC)
- b. A Preliminary Hearing (PX) may be set within the court's discretion

(B) If the defendant is held to answer, the Court shall set the following hearings and the dates determined by the Court:

- a. Trial Confirming Conference (TCC) and the last day to hear motions
- b. Trial Assignment (TA)
- c. Trial Date

A trial date shall be set within 35 - 45 days of the filing of the Information. Trial dates will not be set beyond the 35 - 45 day limit without a showing of good cause. [Effective date 7/1/03]

RULE 40.4 CRIMINAL LAW AND MOTION

SUPERIOR COURT OF CALIFORNIA, IN AND FOR THE COUNTY OF PLACER

(A) 1. Except as otherwise provided by law or these rules, motions must be filed at least 7 days prior to the date of hearing in criminal matters. For the purpose of complying with the seven day notice requirement of this rule, Section 12 et seq. of the California Code of Civil Procedure shall apply. All motions shall be made in writing accompanied by proof of service on all affected parties including, in the case of matters affecting sentencing or probation proceedings, the probation department. [Effective date 7/1/03]

2. Except as authorized herein, approval for shortened notice may only be obtained by appropriate written application for an order shortening time in compliance with the requirements of Rule 379 of the California Rules of Court.

3. In extraordinary circumstances, the court may authorize the setting of criminal matters by oral request. In all such cases: (1) The fact of the request shall be personally communicated by counsel making the request to all other counsel affected and to the probation department in sentencing and probation matters, and; (2) A declaration of such notice shall be filed at or before the time set for the hearing. The clerk shall place the appropriate form in the file indicating the setting.

(B) 1. Where a motion concerns a defendant not in custody, it is the responsibility of counsel for the defendant to notify the defendant of the date and time of the hearing and to secure the appearance of the defendant unless excused, in advance, by the court.

2. Where the motion pertains to a defendant in custody in the Placer County Jail, it will be the responsibility of the moving party to advise the clerk of such fact at the time of the filing of the motion. In addition, the moving papers shall contain the notation, "PLACER COUNTY JAIL" prominently placed above the case number in bold type. The clerk shall prepare an appropriate order for remand or production by the jail and forward the order promptly to the jail in advance of the hearing.

(C) 1. Where the motion pertains to a defendant in custody in a State Prison, State Mental Hospital, or other out-of-county facility, the pleading shall contain the notation, "State Prison Custody", "State Hospital Custody", or "[named county] Jail Custody", or other suitable notation above the case number in bold type. Where the motion pertains to a defendant in custody in a facility out of the county, the moving party shall prepare an appropriate request and order for production of the defendant, and shall forward such request to the court for signature and processing on filing of the motion.

2. In order to provide sufficient time for transportation of out-of-county custody defendants, at least 14 days notice shall be given of motions pertaining to such defendants. [Effective date 7/1/01]

RULE 40.6

REAL PROPERTY BONDS

SUPERIOR COURT OF CALIFORNIA, IN AND FOR THE COUNTY OF PLACER

A. A defendant or any other person may give as security any equity in real property which he or she owns provided, however, the value of the equity offered is equal to twice the amount of the cash bail required. (PC 1298)

B. Before a property bond may be accepted by the Court, a hearing must be held for a court determination as to the applicant's equity in the real property. To set the matter for hearing, a noticed motion with proof of service to the District Attorney must be filed with the Clerk at least 10 days prior to the date set for the hearing. The suggested form of motion for real property bond is attached as Exhibit A to this Rule. The following documents must be submitted as attachments to the motion:

1. Copy of the proposed promissory note in the amount of the required bond. (Approved form of promissory note attached as Exhibit B to this Rule)
2. Copy of the deed of trust to be recorded securing the promissory note and naming a recognized California title company as the trustee and the Superior Court of the County of Placer as the beneficiary. [Effective date 7/1/03]
3. Current preliminary title report concerning the property which has been prepared by a recognized California title company.
4. A current appraisal of the property performed by a certified real estate appraiser. The appraiser shall include a statement of the appraiser's training and experience.
5. Statements from all lienholders having liens against the property, showing the amount presently due on the obligation.

C. The court may require additional evidence in order to ascertain the true equity in the property held by the applicants. All costs incurred to process the property bond and to comply with this Rule shall be borne by the applicant.

D. If the court approves the property bond, the applicant shall record the deed of trust and then shall deliver to the Clerk the following documents:

1. The original signed promissory note.
2. Copy of the deed of trust showing its recorded status. The original deed of trust shall be returned by mail from the recorder's office to the Clerk.
3. An updated preliminary title insurance policy showing the recorded deed of trust for the subject note in the priority previously approved by the Court.

E. Upon the delivery to the Clerk of the foregoing documents, the applicant shall be entitled to obtain an ex parte order of the Court for the release of the designated defendant.

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F. The Clerk shall deposit the original deed of trust and promissory note with the Treasurer of Placer County for safekeeping, maintaining copies of same and an appropriate receipt from the Treasurer in the case file.

G. In the event the property bond is ordered forfeited, upon entry of summary judgment and order of the Court, the Clerk shall prepare an appropriate form of order for the Court's signature directing the Treasurer to release the original deed of trust and promissory note to County Counsel for the commencement of foreclosure proceedings.

H. In the event the property bond is ordered exonerated, the Clerk shall prepare an appropriate form of order for the Court's signature directing the Treasurer to release the original deed of trust and promissory note to County Counsel for the appropriate endorsement of the request for full reconveyance on the deed of trust and for the return of such endorsed deed of trust and original promissory note marked "paid in full" by County Counsel to the maker.
[Effective date 7/1/01]

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF PLACER**

THE PEOPLE OF THE STATE OF
CALIFORNIA,

vs.

Defendant(s)

)
) CASE NO: _____
)
) MOTION FOR
) REAL PROPERTY BOND
)
) DATE: _____
) TIME: _____
) DEPT: _____
) TRIAL DATE: _____

Applicant(s) _____ hereby make application
for the approval of Real Property Bond.

Defendant's name: _____

Bond fixed in the amount of: \$ _____

Applicant(s) is/are the sole owner(s) of real property located at: Address:

Applicant's equity in such real property is equal to at least twice the amount of the
required bond.

Attached in support of this motion are the following exhibits:

- (1) A copy of the proposed promissory note in the amount of the required bond.
- (2) A copy of the deed of trust to be recorded securing the promissory note and
naming a recognized California title company as the trustee and the Superior
Court of the County of Placer as the beneficiary. [Effective 7/1/03]
- (3) A current preliminary title report concerning the property which has been
prepared by a recognized California title company.
- (4) A current appraisal of the property performed by a real estate appraiser. The
appraisal includes a statement of the appraiser's training and experience.

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(5) Statements from all lienholders having liens against the property, showing the amount presently due on the obligation.

I (we) declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on _____ at _____, California.

Signature

Signature

CERTIFICATE OF MAILING

I certify that I am over the age of 18 years and not a party to this action. Further, I certify that a true and correct copy of the foregoing motion (with all attachments) was mailed, first class, postage prepaid, at _____, California, in a sealed envelope addressed to: District Attorney, 11562 "B" Avenue, Auburn, California 95603, and that the mailing of the foregoing and execution of this certificate occurred this ____ day of _____, 20____.

EXHIBIT A

PROMISSORY NOTE

\$_____

Date:_____

UPON DEMAND, for value received, the undersigned ("Maker") promises to pay in lawful money of the United States, to Placer County Superior Court ("Holder"), or order, at 101 Maple St, Accounting Office, Auburn, California 95603, or any other place designated in a writing submitted by Holder to Maker, the sum of \$_____.

Whether or not suit is filed, Maker agrees to pay all reasonable attorneys' fees, costs of collection, costs, and expenses incurred by Holder in connection with the enforcement or collection of this Note.

This Note binds each of the undersigned, if more than one, jointly and severally, and shall be binding on them and their successors and assigns.

This Note is secured by a Deed of Trust, dated _____,
to _____[name of trustee], executed by Maker in favor of
Holder.

Signature of Maker

[Typed name of Maker]

Signature of Maker

[Typed name of Maker]

EXHIBIT B

RULE 40.8 EXPENSES OF DEFENSE

At the conclusion of the case, or upon discharge of counsel, counsel shall state to the court the total number of hours spent on the case, if court appointed, and any expenses paid by public funds as costs, investigation, expert witness fees, and analysis of evidence. [Effective date 7/1/01]

50.00 JUVENILE COURT RULES

RULE 50.1 AUTHORITY

These local rules are intended to supplement state statutes which are found principally in the Welfare and Institutions Code and to supplement the California Rules of Court relating to Juvenile Court matters. To the extent that any of these rules conflict with either statutory requirement or the California Rules of Court, the local rules are of no legal effect. These rules cover Juvenile Court Law, but not Juvenile Traffic hearings or traffic hearing appeals. DHHS means Placer County Department of Social Services. Unless otherwise specified, counsel means the attorney representing a party or the party if appearing in propria persona. [Effective date 7/1/01]

RULE 50.2 STANDING ORDERS

The Presiding Judge of the Juvenile Court may issue such Standing Orders for the administration of the Juvenile Court as the Court deems appropriate. All Standing Orders relating to juvenile matters issued by the Placer County Juvenile Court prior to the effective date of these local rules are hereby rescinded except such standing Orders as are attached to these local rules as an Appendix. The court may hereafter issue new or amended Standing Orders by filing same with the Clerk of the Juvenile Court. [Effective date 7/1/01]

RULE 50.3 GENERAL COMPETENCY REQUIREMENT

All attorneys appearing in juvenile dependency proceedings must meet minimum standards of competence set forth in these rules. These rules are applicable to attorneys employed by public agencies, attorneys appointed by the court to represent any party in juvenile dependency proceeding and attorneys who are privately retained to represent a party to a juvenile dependency proceeding. [Effective date 7/1/01]

RULE 50.4 SCREENING FOR COMPETENCY

(a) Effective January 1, 1997, all attorneys who represent parties in juvenile court dependency proceedings shall meet the minimum standards of training and/or experience set forth in these rules. Each attorney of record for a party to a dependency matter pending before the court on January 1, 1997 who believes he or she meets the minimum standards of competency shall complete and submit to the court, on or before January 31, 1997, a Certification of Competency as set forth in Appendix A to these rules. After January 1, 1997, any attorney appearing in a dependency matter for the first time shall complete and submit a Certification of Competency to the court within 10 days of his or her first appearance in a dependency matter.

(b) Attorneys who meet the minimum standards of training and/or experience as set forth in Rule 50.5, as demonstrated by the information contained in the Certification of Competency submitted to the court, shall be deemed competent to practice before the juvenile court in dependency cases except as provided in subdivision c of this rule.

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(c) Upon submission of a Certification of Competency which demonstrates that the attorney has met the minimum standards for training and/or experience, the court may determine, based on conduct or performance of counsel before the court in a dependency case within the six month period prior to the submission of the certification to the court, that a particular attorney does not meet minimum competency standards. In such case, the court shall proceed as set forth in Rule 50.7 hereinafter.

(d) Any attorney appearing before the court in a dependency case pending on January 1, 1997 who does not meet the minimum standards of training or experience shall notify the court to that effect and shall have until April 30, 1997 to complete the minimum number of hours of training required to fulfill the requirements of these rules. If the attorney fails to complete such training, the court shall order, except in cases where a party is represented by retained counsel, that certified counsel be substituted for the attorney who fails to complete the required training. In the case of retained counsel, the court shall notify the party that his or her counsel has failed to meet the minimum standards required by these rules. The determination whether to obtain substitute private counsel shall be solely within the discretion of the party so notified.

(e) In the case of an attorney who maintains his or her principal office outside of this county, proof of certification by the juvenile court of the California county in which the attorney maintains an office shall be sufficient evidence of competence to appear in a juvenile proceeding in this county. [Effective date 7/1/01]

RULE 50.5 MINIMUM STANDARDS OF EDUCATION AND TRAINING

(a) Each attorney appearing in a dependency matter before the juvenile court shall not seek certification of competency and shall not be certified by the court as competent until the attorney has completed the following minimum training and educational requirements. Prior to the certification, the attorney shall have either:

(1) Participated in at least eight hours of training or education in juvenile dependency law, which training or education shall have included information on the applicable case law and statutes, the rules of court, Judicial Council forms, motions, trial techniques and skills, writs and appeals, child development, child abuse and neglect, family reunification and preservation of reasonable efforts, or

(2) At least six months of experience in dependency proceedings in which the attorney has demonstrated competence in the attorney's representation of his or her clients in said proceedings. In determining whether the attorney has demonstrated competence, the court shall consider whether the attorney's performance has substantially complied with the requirements of these rules.

(b) In order to retain his or her certification to practice before the juvenile court, each attorney who has been previously certified by the court shall submit a new Certificate of Competency to the court on or before January 31st of the third year after the year in which the attorney is first certified and then every third year thereafter. The attorney shall attach to the renewal Certification of Competency evidence that he or she has completed at least eight hours of continuing training or education directly related to dependency proceedings since the attorney

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was last certified. Evidence of completion of the required number of hours of training or education may include a copy of a certificate of attendance issued by a California MCLE provider; a certificate of attendance issued by a professional organization which provides training and/or education for its members, whether or not it is a MCLE provider; a copy of the training or educational program schedule together with evidence of attendance at such program; or such other documentation as may reasonably be considered to demonstrate the attorney's attendance at such program. Attendance at a court sponsored or approved program will also fulfill this requirement.

(c) The attorney's continuing training or education shall be in the areas set forth in subdivision (1)(a) of this rule, or in other areas related to juvenile dependency practice including, but not limited to, special education, mental health, health care, immigration issues, the rules of evidence, adoption practice and parentage issues, the Uniform Child Custody Jurisdiction Act, the Parental Kidnapping Prevention Act, state and federal public assistance programs, the Indian Child Welfare Act, client interviewing and counseling techniques, case investigation and settlement negotiations, mediation, basic motion practice and the rules of civil procedure.

(d) When a certified attorney fails to submit evidence that he or she has completed at least the minimum required training and education to the court by the due date, the court shall notify the attorney that he or she will be decertified. The attorney shall have 20 days from the date of the mailing of the notice to submit evidence of his or her completion of the required training or education. If the attorney fails to submit the required evidence or fails to complete the required minimum hours of continuing training or education, the court shall order, except in cases where a party is represented by retained counsel, that certified be substituted for the attorney who fails to complete the required training. In the case of retained counsel, the court shall notify the party that his or her counsel has failed to meet the minimum standards required by these rules. The determination whether to obtain substitute counsel shall be solely within the discretion of the party so notified. [Effective date 7/1/01]

RULE 50.6 STANDARDS OF REPRESENTATION

All attorneys appearing in dependency proceedings shall meet the following minimum standard of representation:

(a) The attorney shall thoroughly and completely investigate the accuracy of the allegations of the petition or other moving papers and the court reports filed in support thereof. This shall include conducting a comprehensive interview with the client to ascertain his or her knowledge and/or involvement in the matters alleged or reported; contacting social workers and other professionals associated with the case to ascertain if the allegations and/or reports are supported by accurate facts and reliable information; consulting with and, if necessary, seeking the appointment of experts to advise the attorney or the court with respect to matters which are beyond the expertise of the attorney and/or the court; and obtaining such other facts, evidence or information, as may be necessary to effectively present the client's position to the court.

(b) The attorney shall determine the client's interests and the position the client wishes to take in the matter. Except in those cases in which the client's whereabouts is unknown, this shall include a comprehensive interview with the client. If the client is a minor child who is

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placed out of home, in addition to interviewing the child, the attorney shall also interview the child's caretaker.

(c) The attorney shall advise the client of the possible courses of action and of the risks and benefits of each. This shall include advising the client of the risks and benefits of resolving disputed matters without the necessity for a hearing and of the necessity for adhering to court mandated time limits.

(d) The attorney shall vigorously represent the child within applicable legal and ethical boundaries. This shall include the duty to work cooperatively with other counsel and the court, to explore ways to resolve disputed matters without hearing if it is possible to do so in a way which is consistent with the client's interests, and to comply with local rules and procedures as well as with statutorily mandated timelines. [Effective date 7/1/01]

RULE 50.7 PROCEDURES FOR REVIEWING AND RESOLVING COMPLAINTS

(a) Any party to a juvenile court proceeding may lodge a written complaint with the court concerning the performance of his or her appointed attorney in a juvenile court proceeding. In the case of a complaint concerning the performance of an attorney appointed to represent a minor, the complaint may be lodged on the child's behalf by the social worker, a caretaker relative or a foster parent.

(b) The court shall review a complaint within ten days of receipt. If the court determines that the complaint presents reasonable cause to believe that the attorney may have failed to act competently or has violated local rules, the court shall notify the attorney in question of the complaint, shall provide the attorney with a copy of the complaint and shall give the attorney twenty days from the date of the notice to respond to the complaint in writing.

(c) After a response has been filed by the attorney of the time for a submission of a response has passed, the court shall review the complaint and the response if any to determine whether the attorney acted contrary to local rules or has acted incompetently. The court may ask the complainant or the attorney for additional information prior to making a determination on the complaint.

(d) If, after reviewing the complaint, the response and any additional information, the court finds that the attorney acted contrary to the rules of the court, the court may reprove the attorney, either privately or publicly, and may, in cases of willful or egregious violations of local rules, issue such reasonable monetary sanctions against the attorney as the court may deem appropriate.

(e) If, after reviewing the complaint, the response and any additional information, the court finds that the attorney acted incompetently, the court may order that the attorney practice under the supervision of a mentor attorney for a period of at least six months, that the attorney complete a specified number of hours of training or education in the area in which the attorney's conduct caused actual harm to his or her client, the court shall order that competent counsel be substituted for the attorney found to have been incompetent and may, in the court's discretion, refer the matter to the State Bar of California for further action.

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(f) The court shall notify the attorney and the complaining party in writing of its determination of the complaint. If the court makes a finding under subdivisions (e) or (f), the attorney shall have 10 days after the date of the notice to request a hearing before the court concerning the court's determination shall become final.

(g) If the attorney requests a hearing, the attorney shall serve a copy of the request on the complaining party. The hearing shall be held as soon as practicable after the attorney's request therefore, but in no case shall it be held more than 30 days after it has been requested except by stipulation of the parties. The complainant and the attorney shall each be given at least 10 days notice of the hearing. The hearing may be held in chambers. The hearing shall not be open to the public. The court may designate a commissioner, referee, judge pro tempore, or any qualified member of the bar to act as hearing officer.

(h) At the hearing, each party shall have the right to present arguments to the hearing officer with respect to the court's determination. Such arguments shall be based on the evidence before the court at the time the determination was made. No new evidence may be presented unless the party offering such evidence can show that it was not reasonably available to the party at the time that the court made its initial determination with respect to the complaint. Within 10 days after the hearing, the court or hearing officer shall issue a written determination upholding, reversing or amending the court's original determination. The hearing decision shall be the final determination of the court with respect to the matter. A copy of the hearing decision shall be provided to both the complainant and the attorney. [Effective date 7/1/01]

RULE 50.8 PROCEDURES FOR INFORMING THE COURT OF THE INTERESTS OF A DEPENDENT CHILD

(a) At any time during the pendency of a dependency proceeding, any interested person may notify the court that the minor who is the subject of the proceeding may have an interest or right which needs to be protected or pursued in another judicial or administrative forum. If counsel for the minor becomes aware that the minor may have a right or interest which needs to be protected or pursued in another judicial or administrative forum, counsel for the minor shall notify the court of such right or interest as soon as it is reasonably possible for counsel to do so.

(b) Notice to the court may be given by the filing of Judicial Council form JV-180 or by the filing of a declaration. In either case, the person giving notice shall set forth the nature of the interest or right which needs to be protected or pursued, the name and address, if known of the administrative agency or judicial forum in which the right or interest may be affected and the nature of the proceedings being contemplated or conducted there.

(c) If the person filing the notice is the counsel for the minor, the motion shall state what action on the child's behalf the attorney believes is necessary, whether the attorney is willing or able to pursue the matter on the child's behalf, whether the association of counsel specializing in practice before that agency or court may be necessary or appropriate, whether the appointment of a guardian ad litem may be necessary to initiate or pursue the proposed actions,

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whether joinder of an administrative agency to the juvenile court proceedings pursuant to Welfare and Institutions Code section 362 may be appropriate or necessary to protect or pursue the child's interests and whether further investigation may be necessary.

(d) If the person filing the notice is not the attorney for the child, a copy of the notice shall be served on the attorney for the child, or, if the child is unrepresented, the notice shall so state.

(e) The court may set a hearing on the notice if the court deems it necessary in order to determine the nature of the child's right or interest or whether said interest should be protected or pursued.

(f) If the court determines that further action on behalf of the child is required, the court shall do one or more of the following:

(1) Authorize the minor's attorney to pursue the matter on the child's behalf;

(2) Appoint an attorney for the child if the child is unrepresented;

(3) Notice of joinder hearing pursuant to section 362 compelling the responsible agency to report to the court with respect to whether it has carried out its statutory duties with respect to the child;

(4) Appoint a guardian ad litem for the child for the purposes of initiating or pursuing appropriate action in the other forum(s);

(5) Take any other action the court may deem necessary or appropriate to protect the welfare, interests and rights of the child. [Effective date 7/1/01]

RULE 50.9 ACCESS TO MINORS

(a) No party or attorney in a dependency proceeding shall interview the minor about the events relating to the allegations in the petition(s) on file without permission of the minor's attorney or Court Order.

(b) No party or attorney in a dependency proceeding shall cause the minor to undergo a physical, medical or mental health examination or evaluation without Court approval.

(c) This rule does not apply to the DHHS case manager or other authorized DHHS social worker. [Effective date 7/1/01]

RULE 50.10 INTERVIEWING MINORS WHO ARE ALLEGED VICTIMS OF CHILD ABUSE

All attorneys representing parties in a dependency case in which child abuse has been alleged and other participants in the case, including a child advocate, shall attempt to minimize the number of interviews they take of the minor relating to the events surrounding the alleged

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abuse. To this end anyone wishing to learn facts about the alleged incident shall first review any interview taken or reports made by the investigating officer(s). [Effective date 7/1/01]

RULE 50.11 PRESENCE OF MINOR IN COURT

(a) All minors are entitled to attend court hearings. Every minor ten (10) years of age or older shall be told of his or her right to attend court hearings and all minors over the age of ten (10) shall be given notice by the investigating/supervising social worker.

(b) All minors shall attend court hearings unless excused for one of the listed reasons:

- (1) The minor's attorney waives the minor's appearance.
- (2) The minor chooses not to attend.
- (3) The minor is excused by the court.
- (4) The minor is disabled, physically ill, or hospitalized.

(c) No minor shall be brought to court solely for the minor to confer with his or her attorney, or for a visit with a parent, relative, or friend.

(d) If the minor is present, the judicial officer hearing the case may review and speak with the minor. [Effective date 7/1/01]

RULE 50.12 GUARDIAN AD LITEM

(a) For minors: For purposes of the Federal Child Abuse Prevention and Treatment Act (42 U.S.C. 5101 et seq.) and WIC section 326, the DHHS case manager shall be deemed to be the minor's guardian ad litem unless the court orders otherwise.

(b) For parents: The court shall appoint any person that the court deems qualified as a guardian ad litem to represent any incompetent parent or guardian whose child is before the Juvenile Court pursuant to a petition under WIC code 300. The determination of incompetency may be made by the court at any time in the proceeding based upon evidence received from any interested party. [Effective date 7/1/01]

RULE 50.13 NOTICE TO GUARDIAN AD LITEM, ACCESS TO RECORDS, RIGHT TO APPEAR

In all proceedings, the guardian ad litem shall be given the same notice as any party, have the same access to all records relating to the case as would any party, and have the right to appear at all hearings. [Effective date 7/1/01]

RULE 50.14 PRE HEARING DISCOVERY

(a) Timely Disclosure of Informal Discovery: Pre-hearing discovery shall be conducted informally. Except as protected by privilege, all relevant material shall be disclosed in a timely fashion to all parties of the litigation.

(b) Formal Discovery: Only after all informal means have been exhausted may a party petition the court for discovery. Any noticed motions shall state the relevancy and materiality of the information sought and the reasons why informal discovery was not adequate to secure that information. The motion shall be served on all parties at least five (5) judicial days before the hearing date. The date for the hearing shall be obtained from the Juvenile Division Clerk. A copy shall be served on the court before whom the matter is scheduled to be heard. Any responsive papers shall be filed and served two (2) judicial days prior to the hearing.

(c) In contested proceedings, the social worker's narratives and other relevant case records shall be made available to all counsel at least 10 calendar days before the hearing and any updated records 2 calendar days before the hearing. In all other cases, such documents shall be made available at least 2 calendar days prior to the hearing.

(d) Upon timely request, the parents and guardians shall disclose to DHHS such non-privileged material and information within the parent's or guardian's control which is relevant.
[Effective date 7/1/01]

RULE 50.15 MEET AND CONFER

All counsel shall meet and confer prior to any scheduled hearing including but not limited to any pre-trial conference, jurisdictional hearing, disposition, review and selection and implementation hearing. [Effective date 7/1/01]

RULE 50.16 TIMELINESS OF MOTIONS

All motions, including a motion under Welfare and Institutions Code section 388 shall be filed and noticed at least ten days prior to any scheduled selection and implementation hearing WIC section 366.26. [Effective date 7/1/01]

RULE 50.17 PRESENTATION OF EVIDENCE

(a) Social Study Reports prepared by DHHS shall be made available to all counsel before the hearing in accordance with the following time limitation unless otherwise ordered by the court:

(1) Jurisdictional and/or Dispositional reports are due at least 48 hours before the hearing;

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(2) Review of Dependency Status and Status review reports are due at least ten calendar days before the hearing;

(3) All other reports shall be due a reasonable number of days before the hearing but in no event less than 48 hours before.

(b) If the social study report is not timely filed or made available to all counsel, then any affected party or the court may request a continuance of the hearing to the extent permitted by law.

(c) The names of any experts to be called by any party and copies of their reports, if not a part of the social study report prepared by DHHS, shall be provided to all counsel at least ten days before the hearing. [Effective date 7/1/01]

RULE 50.18 TRAVEL AUTHORIZATION

Unless otherwise ordered by the court, a minor's care provider may authorize travel by the minor within the State of California with the concurrence of DHHS and, when possible, notice to the parents. Any travel for the minor out of the state of California shall require prior court approval. Any application to the court for orders regarding travel of the minor shall state what efforts have been made to notify the parent(s) and their response, if any. [Effective date 7/1/01]

RULE 50.19 RELEASE OF INFORMATION

Under the provisions of Welfare & Institutions Code section 827, the court hereby establishes the following rule regarding inspection of information in juvenile matters. [Effective date 7/1/03]

(a) This rule is applicable to the following:

District attorneys, county counsel, clerks of the court, DHHS personnel, Adult, Child & Community Emergency Services System personnel (ACCESS), Probation Department personnel, department of Social Services personnel, members of the Systems Management, Advocacy and Resource Team (SMART), members of the School Attendance Review Board (SARB), and law enforcement officials in this county.

(b) The persons and agencies listed in the preceding paragraph may allow inspection of any information in their possession regarding minors by the following: [Effective date 7/1/03]

(1) The minor

(2) The minor's attorney for use by the attorney in connection with a court proceeding, including review by expert witnesses deemed necessary for a court proceeding

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- (3) The minor's parents or guardians
- (4) The minor's foster parents
- (5) All California district attorneys' offices
- (6) The California Bureau of Identification and Investigation
- (7) All California law enforcement agencies (including all of the many types of peace officers designated in Penal Code sections 830, 830.1-830.4, 830.9)
- (8) All California school systems
- (9) All California probation departments
- (10) All California public welfare agencies
- (11) The California Youth Authority
- (12) The Department of Corrections
- (13) Authorized court personnel
- (14) Any California court under an order from such court
- (15) SMART personnel
- (16) ACCESS personnel
- (17) All personnel of the Placer County Children's System of Care/Collaborative Services Agencies
- (18) SARB members
- (19) Hospitals, schools, camps, job corps, ranches, group homes, youth service bureaus and multi-service youth and family programs (as described by the Welfare and Institutions Code sections 1900-2006), or placement agencies that require the information for the placement, treatment, or rehabilitation of the minor
- (20) The persons entitled to the information under Vehicle Code sections 20008-20012
- (21) Any coroner

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- (22) All federal investigative and enforcement agencies
- (23) Out-of-state law enforcement agencies that have a legitimate official interest in the minor
- (24) Notwithstanding the foregoing provisions, information shown to persons or agencies listed in paragraphs (1), (2), (3), (4), (8), (18), (19) and (20) shall not include identifying information or other factual or confidential matters relating solely to minors who are not the subject of the juvenile matter, but who are named in the information sought to be inspected, unless the person seeking the information obtains a specific court order authorizing such release upon a showing of good cause. [Effective date 7/1/03]

(c) Any person or agency listed in Paragraph (a) may allow inspection of any information in their possession regarding minors to the following: [Effective date 7/1/03]

(1) Any person, agency or business upon the written request or consent of the minor.

(2) The victim, or his or her parents or guardian if the victim is a minor, or to the victim's insurance carrier, the name and address of the minor offender and the parents of the minor offender, any police or investigation reports, and any orders of restitution for the purpose of pursuing enforcement of civil liability. Such information may not be inspected until final disposition of the case. "Final disposition" for the purpose of this rule shall mean any of the following events: closing of the case by the Probation Department; placing the minor on informal probation or any other summary disposition pursuant to the Welfare and Institutions Code; the District Attorney declining to proceed with the matter in juvenile court; or the juvenile court entering an order of dismissal, acquittal or judgment under Welfare and Institutions Code section 725. The victim, or his or her parents or guardian, or the victim's insurance carrier, may at any time inspect items of information that may be inspected by the press under Paragraph (h), section (1) of this rule. Additionally, under Welfare and Institutions Code section 742, the probation officer must inform the alleged victim of a crime by letter of the final disposition of a case whenever (a) the victim requests such information either orally or in writing; (b) a petition has been filed under Welfare and Institutions Code section 602 as a result of the crime; and (c) a final disposition has been made. The requesting victim must be informed by letter of the final disposition, including findings and resultant orders within 60 days of final disposition. [Effective date 7/1/03]

(d) All information received by an authorized recipient listed in Paragraph (b) as a result of this rule must be kept confidential by that recipient, and must not be further inspected except to one or more of the other listed authorized recipients. [Effective date 7/1/03]

(e) Requests to disseminate information to a person or agency not listed in Paragraph (b) will be considered by the juvenile court on an individual basis upon the filing of a petition in accordance with Welfare & Institutions Code, section 827.

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(f) Concurrently with the release of information to an authorized recipient not listed above, the releasing agency is required to furnish the recipient with a copy of Paragraphs (a), (b), (c) and (d) of this rule.

(g) Any person or agency listed in Paragraph (a) is authorized to allow inspection of information to identifiable potential victims or their parents or guardians that a minor constitutes a threat to their person or property. They may not release the name and description of the minor, his or her whereabouts, and the nature of the threat toward the identifiable potential victim without first complying with Welfare & Institutions Rule 827. [Effective date 7/1/03]

(h) It is further ordered that the following policy be adopted with regard to the inspection of information to the press relating to minor offenders: [Effective date 7/1/03]

(1) Persons and agencies listed in Paragraph (a) may divulge (a) whether or not an arrest has been made; (b) the offenses for which an arrest has been made; (c) the disposition of the minor by the law enforcement agency; (d) the plan to file or not to file a petition and the charges alleged in the petition; (e) the order of the court to detain or not detain; (f) the date and location of the hearing; (g) the identification of the judge or referee who will hear the matter; and (h) the finding and disposition of the court.

(2) If a juvenile court case attracts press attention and reporters desire details on the progress of the case, the inquiry will be referred immediately to the appropriate court clerk who will immediately advise the judge or referee.

(3) Subject to the consideration of any objection that may be raised by any party to a juvenile court proceeding, members of the press generally may attend juvenile court proceedings as having "a direct and legitimate interest in the particular case or the work of the court pursuant to Welfare and Institutions Code, section 676(a), provided that the following conditions are observed:

(aa) The name of the minor shall not be disclosed to the public.

(bb) Unless otherwise specifically authorized by the court, the personal and family background of the minor, including but not limited to, the identity and street address of family members, shall not be disclosed to the public.

(cc) The press will not be entitled to attend juvenile proceedings if the provisions of Welfare and Institutions Code, section 676(b) apply.

(dd) The limitations regarding disclosure of information obtained in juvenile court proceedings imposed by Paragraphs (aa) and (bb) shall not apply to proceedings generally open to the public under Welfare and Institutions Code, section 676(a).

(4) Persons or agencies listed in Paragraph (a) may not divulge a minor's identity; however, if the press is already aware of his or her identity, this information may be confirmed.

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(5) The press only will be allowed to take photographs of a juvenile going through the juvenile court process as follows:

(aa) In any cases wherein the minor is charged with violation listed in Welfare and Institutions Code section 676(a).

(bb) In any other case wherein the juvenile and his or her parents have consented thereto in writing.

(cc) In no case shall photographs be taken while the juvenile court is in session without the prior consent of the juvenile court judge or referee.

(dd) In the case of extremely young children who have been found unattended and are unable to identify themselves, the chief probation officer or law enforcement official may authorize the press to take photographs when the intent of such photographs is to assist in identifying the child and locating the parents.

(6) Persons or agencies listed in Paragraph (a) may advise the press that a minor has escaped from a juvenile institution. The name of the minor and any other relevant descriptive information may be released in accordance with Welfare & Institutions Code, section 828(b).

(i) The California Bureau of Identification and Investigation must not release any record of detention that has been disclosed to it by virtue of this order, unless the release also includes full information on the disposition that followed detention.

(j) This rule does not prohibit inspection of information by district attorneys, probation department personnel, or law enforcement agencies about crimes or the contents of arrest reports except insofar as it discloses the minor's identity. This rule does not apply to coroner's reports. [Effective date 7/1/03]

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APPENDIX A

**SUPERIOR COURT OF CALIFORNIA
IN AND FOR THE COUNTY PLACER
JUVENILE DIVISION
CERTIFICATION OF COMPETENCY**

I, _____ name office address telephone
number

am an attorney at law licensed to practice in the State of California. My State Bar Number is:

I hereby certify that I meet the minimum standards for practice before a Juvenile Court set forth in California Rules of Court, rule 1438, and local rule 50.5 and that I have completed the minimum requirements for training, education and/or experience as set forth below.

Training and Education: (Attach copies of MCLE certificates or other documentation of attendance)

<u>Course Title</u>	<u>Date Completed</u>	<u>Hours</u>	<u>Provider</u>
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Juvenile Dependency Experience:

Case #	# Contested Hearings	Date of Last	Party Represented
			Appearance

Dated:

SIGNATURE

60.00 COURT APPOINTED COUNSEL AND EXPERTS

RULE 60.1 COURT APPOINTED ATTORNEYS: STANDARDS OF EXPERIENCE AND ALLOWABLE FEES AND EXPENSES

The following procedure shall be used in fixing fees allowable to attorneys appointed by the court to represent individuals who are unable to employ counsel and who cannot be represented by the Public Defender or the appointment conflicts firm, or attorneys who are employed by the Public Defender or appointment conflicts firm, but who are to be separately paid in accordance with this rule.

A. APPLICATION FOR FEES

1. The court shall allow attorney's fees and costs for services rendered and expenditures made by counsel properly appointed in criminal, juvenile, or other matters while such matters are pending before the court. Such fees shall not include time spent traveling from one location to another.

2. Application for the payment of such fees and costs shall ordinarily be made at the time of the final court disposition of the proceeding in which court-appointed counsel served, or within reasonable time thereafter. Pre-trial interim application for fees may be made in cases involving the death penalty or life without the possibility of parole, or in exceptionally complex or lengthy cases upon special application; provided, however, that no pre-trial interim authorization for fees shall exceed the sum of \$1,500.00 per month, plus expenses, for lead counsel and \$800.00 per month, plus expenses, for associate counsel, such funding limitations to be imposed as an average for the claim period.

3. Application for fees and costs shall be made by written declaration in a form to be approved by this court, itemizing the legal services rendered, the amount of time devoted to the case, and the expenses incurred.

4. Application for fees and costs shall be submitted to the Court Executive Officer for subsequent approval by the department in which the case has been pending.

5. The court will allow a reasonable fee, in consideration of the nature and complexity of the case and the degree of skill and effort required of counsel. [Effective date 7/1/01]

B. CATEGORIES OF CRIMES OR OTHER MATTERS

1. Class 1: All homicides, whether capital or non capital, and all offenses having a maximum sentence of life or life without possibility of parole, or in the discretion of the court, an aggregate state prison sentence of 30 years or more.

2. Class 2: All crimes for which the upper term of punishment is five years or more, but less than Class 1.

SUPERIOR COURT OF CALIFORNIA, IN AND FOR THE COUNTY OF PLACER

3. Class 3: All other felonies and juvenile matters where the petition seeks jurisdiction under Welfare and Institutions Code Sections 300, 601, and 602. [Effective date 7/1/03]

4. Class 4: All misdemeanor and civil cases. [Effective date 7/1/03]

C. MINIMUM EXPERIENCE REQUIREMENTS FOR APPOINTED ATTORNEYS

1. Class 1: Certified criminal law specialist or equivalent.

2. Class 2: Those who, as chief counsel, have handled twenty crimes charged as felonies, five of which were submitted to a jury for a decision: five of which included contested Superior Court factual hearings such as P.C. Section 1538.5 or P.C. Section 995 motions; and the remainder of which proceeded to disposition. A maximum of ten juvenile cases charged as felonies may be counted toward the requirement of the twenty cases.

3. Class 3: Those who, as chief counsel, have handled 5 felonies or 25 cases charged as a misdemeanor, any two felony or misdemeanor cases submitted to a jury for decision and any two of which included a contested factual hearing under P.C. Section 1538.5, and all of which have proceeded to disposition. [Effective date 7/1/03]

4. Class 4: All attorneys. [Effective date 7/1/03]

5. Upon a proper showing, a person may be eligible for a class by virtue of a showing of equivalent experience as determined by the Presiding Judge. Notwithstanding that an attorney meets the minimum qualifications for a particular class, the court may exercise its discretion in the assignment of any particular attorney to a particular case. [Effective date 7/1/03]

D. FEE SCHEDULE

1. In all cases, the final fees allowed shall be determined by reference to the nature and complexity of the case and the degree of skill and effort required in handling the matter. Fee claims will be adjusted in accordance with this standard.

2. In the event that an attorney appointed by this court must appear in a court of another county on a case transferred from this court, the attorney shall be entitled to reasonable travel and living expenses necessarily incurred in connection with his appearance in the court of the other county. Unless the appointed attorney obtains permission in writing from the Presiding Judge in advance, the attorney shall travel by private automobile and shall be reimbursed for necessary mileage at the rate allowed by the County of Placer at the time of the travel. In no event shall the attorney seek payment of fees for the time spent by the attorney while traveling. Living expenses for each such attorney will be allowed at the rate provided by the California Administrative Office of the Courts.

Any request for reimbursement of travel or living expenses shall be made by written declaration and submitted to the Court Executive Officer who shall review such requests and recommend payment in appropriate cases to the Presiding Judge. All requests for such

SUPERIOR COURT OF CALIFORNIA, IN AND FOR THE COUNTY OF PLACER

reimbursement shall include a complete inventory of costs and expenses, with all applicable receipts attached. [Effective date 7/1/01]

3. Appointment of minors' counsel in Family Law cases: Provide that in the event that fees for counsel exceeds the \$500 originally ordered for the case, the Court will order parties to appear via OSC to show why the parties should not be required to reimburse the Court for those costs and/or relieve minors' counsel. [Effective date 7/1/02]

**60.2 SCHEDULE OF REIMBURSABLE RATES FOR PUBLIC DEFENDERS
ASSIGNED TO A CRIMINAL CASE [Effective date 7/1/03]**

Class 1 (Class A2 Felonies): \$75.00 All non-capital homicides, and all offenses having a maximum sentence of life or life without possibility of parole, or in the discretion of the courts, an aggregate state prison sentence of 30 years or more.

Class 2 (Class B Felonies): \$65.00 All crimes for which the upper term of punishment is 5 years or more, but less than Class 1.

Class 3 (Class C Felonies): \$60.00 All other felonies and Juvenile matters.

Class 4 (Misdemeanors): \$50.00 Misdemeanor and Civil cases.

Rates are hourly. Requests for payment must be submitted on the Placer County Indigent Defense Program Payment Voucher. Any other request for payment form will be rejected. Receipts for miscellaneous expenses must be original. Photocopies will not be accepted. Application for payment of fees shall be made at the time of the final court disposition; special application may be made to the court for interim payments in exceptionally complex cases. Payment voucher form instructions follow. Payment Vouchers may be obtained from Placer County Superior Court Accounting Office, 101 Maple Street, Auburn, CA.

**INSTRUCTIONS
PLACER COUNTY INDIGENT DEFENSE PROGRAM
PAYMENT VOUCHER**

With the exception of routine psychiatric evaluations (submitted with Letter of Psychiatric Appointment and Payment Voucher) successful payment processing requires that the General Information and each relevant section of this form be complete, and signed by the claimant and the applicable approver. All attorney claims must be submitted for approval to the Court department where the judge presiding over the case is located. All expert and other claims must be submitted for approval to the attorney defending the case, who will forward claims to the County. Please see the bottom of the form for copy routing instructions. Approved/signed claims must be submitted to:

**Placer County Executive Office
Attn: Indigent Defense Program Accounts Payable
175 Fulweiler Avenue
Auburn, California 95603**

If a County vendor number has not been assigned (the vendor # is on the County check stub), the vendor must complete an Internal Revenue Service Form W-9 (Request for Taxpayer Identification Number and Certification). California nonresidents, corporations, limited liability companies, and partnerships that do not have a permanent place of business in California are subject to state income tax withholding (California Revenue and Taxation Code 18662). Nonresident providers are also required to complete and submit a California Form 587 (Nonresident Withholding Allocation Worksheet), or Form 588 (Withholding Waiver Request), or Form 590 (Withholding Exemption Certificate). These forms are downloadable from the Internal Revenue Service and the California Franchise Tax Board websites, or vendors may contact the Placer County Auditor/Controller's Office at 530-889-4160 to request a mailing.

The County Auditor/Controller will receive **ONLY** the original signed Payment Voucher. Detailed service statements will remain in another secure area.

Written court orders specific to services rendered and maximum amount of funding available (with the exception of attorneys) must be attached to the Payment Voucher and invoice. Invoices and receipts for miscellaneous expenses must be original – photocopies are unacceptable.

Application for payment of fees shall ordinarily be made at the time of the final court disposition. Special application may be made to the courts for interim payments in exceptionally complex cases; additionally, the County will consider exceptions on a vendor-by-vendor or case-by-case basis.

Original invoices for services must be detailed to include:

- A unique invoice #
- Breakdown of time by the 1/10 of an hour
- Descriptions of work sufficient to substantiate billing amounts relevant to the case complexity and degree of skill and effort in handling the matter, to include:
 - a) Interviews and conferences with client;
 - b) Witness interviews
 - c) Consultation with investigators and experts

SUPERIOR COURT OF CALIFORNIA, IN AND FOR THE COUNTY OF PLACER

- d) Obtaining and reviewing the court record
- e) Obtaining and reviewing documents and other evidence
- f) Legal research and writing
- g) Mileage expense
- h) Other work

Attorneys and other experts may bill for mileage at the current county approved rate, but cannot bill for travel time unless an exception is stated in a court order. Due to the nature of the work, investigators may bill for reasonable travel time and mileage costs.

The Court and/or the County may adjust claims in accordance with the above standards.

RULE 70.1 TRAFFIC DIVISION

A. Officer Court Trial Continuances. Notice of request to continue an Officer Court Trial must be submitted fourteen days in advance to provide the Court sufficient time to review the request and notify all parties of any changes.

B. Failure to Appear/Failure to Pay Fine. The court will not release a DMV hold for three weeks if fines for Failure to Appear or Failure to Pay Fine are paid for with a personal check. Defendant may pay the full amount of the Failure to Appear and abstract fee by cash, cashiers check or money order, sign a promise to appear for the balance of charges on a case, and have the DMV hold released in the interim. [Effective date 7/1/03]

**LIST OF CURRENTLY EFFECTIVE RULES
JANUARY 1, 2004**

10.00	GENERAL	
10.1	SCOPE OF RULES	Eff. 7/1/01
10.2	EFFECTIVE DATE	Eff. 7/1/02
10.3	EFFECT OF RULES	Eff. 7/1/01
10.4	DEPARTMENTS	Eff. 7/1/02
10.5	USE OF FACILITIES, FILES & DOCUMENTS FOR PRIVATE JUDGES	Eff. 7/1/01
10.6	SANCTIONS	Eff. 7/1/02
10.7	NORTH LAKE TAHOE SESSIONS	Eff.7/1/01/Rev 7/1/03
10.8	EXPARTE ORDERS	Eff. 7/1/02
10.9	FILING OF DOCUMENTS	Eff.7/1/02/Rev 1/1/04
10.10	PLACE OF FILING	Eff.7/1/02/Rev 1/1/04
10.11	APPLICATION FOR WAIVER OF COURT FEES & COSTS	Eff.7/1/01/Rev 7/1/03
10.12	COURT FILES	Eff. 7/1/01
10.13	DEPOSITS INTO COURT TRUST	Eff.7/1/01/Rev 7/1/03
10.14	COURT INTERPRETERS	Eff.7/1/01/Rev 1/1/04
10.15	COURT REPORTERS	Eff. 7/1/03
20.0	CIVIL	
20.1	CIVIL CASE MANAGEMENT SYSTEM	Eff. 7/1/01
20.1.1	CIVIL CASES SUBJECT TO THESE RULES	Eff. 7/1/01
20.1.2	POLICY	Eff. 7/1/01

SUPERIOR COURT OF CALIFORNIA, IN AND FOR THE COUNTY OF PLACER

20.1.3	GENERAL CIVIL CASES	Eff. 7/1/01
20.1.4	GENERAL CIVIL - COMPLEX CASES	Eff.7/1/01/Rev 1/1/04
20.1.5	CATEGORY DESIGNATION	Eff.7/1/01/Rev 1/1/04
20.1.6	FILING AND SERVICE OF PLEADINGS	Eff.7/1/01/Rev 1/1/04
20.1.7	MEET AND CONFER STATEMENT	Eff. 7/1/01
20.1.8	CASE MANAGEMENT CONFERENCE	Eff.7/1/01/Rev 1/1/04
20.1.9	CASE MANAGEMENT CONFERENCE STATEMENT AND AT ISSUE MEMORANDA	Eff.7/1/02/Rev 1/1/04
20.1.10.1	FURTHER CASE MGMNT CONFERENCES & ORDERS TO SHOW CAUSE	Eff. 7/1/02
20.1.11	ARBITRATION	Eff.7/1/01/Rev 1/1/04
20.1.12	SETTLEMENT CONFERENCES	Eff. 7/1/02
20.1.13	FINAL CASE MANAGEMENT CONFERENCE	Eff. 7/1/01
20.1.14	SANCTIONS	Eff. 7/1/01
20.3.1	REQUIRED CONFERENCE BEFORE FILING	Eff. 7/1/01
20.3.2	DROPPING AND CONTINUANCES OF LAW AND MOTION HEARINGS	Eff.7/1/02/Rev 1/1/04
20.3.3	TENTATIVE RULINGS (A)	Eff. 7/1/01
203.3	TENTATIVE RULINGS (B)	Eff. 7/1/02
20.3.4	PAGE LIMITATIONS AND SPECIFIC CONTENT FOR MOTIONS	Eff. 7/1/01
20.3.5	ORDERS AFTER HEARING; COMPLIANCE WITH ORDERS	Eff. 7/1/01
20.3.6	APPLICABILITY OF RULE 20.3	Eff. 7/1/01
20.4	SETTLEMENTS	Eff. 7/1/01
20.5	CIVIL JURY FEES AND EXPENSES	Eff.7/1/01/Rev 1/1/04

SUPERIOR COURT OF CALIFORNIA, IN AND FOR THE COUNTY OF PLACER

20.6	CONTINUANCES OF CIVIL TRIALS AND SETTLEMENT CONFERENCES	Eff.7/1/01/Rev 1/1/04
20.8	ATTORNEY FEES IN DEFAULT ACTIONS	Eff. 7/1/03
20.9	TELEPHONE APPEARANCES	Eff. 7/1/02
20.10	EXERCISE OF PREEMPTORY CHALLENGE	Eff. 7/1/01
30.0	FAMILY LAW	
30.1	MEDIATION PROCEDURES	Eff.7/1/02/Rev 1/1/04
30.2	CONFERENCE PRIOR TO DOMESTIC LAW AND MOTION MATTERS	Eff. 7/1/01
30.3	TEMPORARY SPOUSAL SUPPORT	Eff. 7/1/01
30.4	STANDARD DISCOVERY IN FAMILY LAW CASES	Eff. 7/1/01
30.5	COMPUTATION OF PERCENTAGE	Eff. 7/1/01
30.5.1	APPOINTMENT OF CUSTODIAL EVALUATION	Eff. 7/1/01
30.6	CONTACT BETWEEN MINORS	Eff.7/1/01/Rev 7/1/03
30.7	APPROVAL AND INCORPORATION OF AGREEMENTS AND STIPULATIONS IN FAMILY LAW MATTERS	Eff. 7/1/01
30.8	ORDERS AFTER HEARING IN FAMILY LAW CASES	Eff. 7/1/01
30.9	PRETRIAL CONFERENCES & STATEMENTS OF ISSUES AND CONTENTIONS	Eff. 7/1/01
30.10	FAMILY LAW FACILITATOR	Eff. 7/1/01
40.0	CRIMINAL	
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40.2	MISDEMEANOR SETTINGS	Eff. 7/1/01
40.3	FELONY SETTINGS	Eff. 7/1/01
40.4	CRIMINAL LAW & MOTION	Eff.7/1/01/Rev 7/1/03

SUPERIOR COURT OF CALIFORNIA, IN AND FOR THE COUNTY OF PLACER

40.6	REAL PROPERTY BONDS	Eff.7/1/01/Rev 7/1/03
40.8	EXPENSES OF DEFENSE	Eff. 7/1/01
50.0	JUVENILE	
50.1	AUTHORITY	Eff. 7/1/01
50.2	STANDING ORDERS	Eff. 7/1/01
50.3	GENERAL COMPETENCY REQUIREMENT	Eff. 7/1/01
50.4	SCREENING FOR COMPETENCY	Eff. 7/1/01
50.5	MINIMUM STANDARDS OF EDUCATION & TRAINING	Eff. 7/1/01
50.6	STANDARDS OF REPRESENTATION	Eff. 7/1/01
50.7	PROCEDURES FOR REVIEWING & RESOLVING COMPLAINTS	Eff. 7/1/01
50.8	PROCEDURES FOR INFORMING THE COURT OF THE INTERESTS OF A DEPENDENT CHILD	Eff. 7/1/01
50.9	ACCESS TO MINORS	Eff. 7/1/01
50.10	INTERVIEWING MINORS WHO ARE ALLEGED VICTIMS OF CHILD ABUSE	Eff. 7/1/01
50.11	PRESENCE OF MINOR IN COURT	Eff. 7/1/01
50.12	GUARDIAN AD LITEM	Eff. 7/1/01
50.13	NOTICE TO GUARDIAN AD LITEM, ACCESS TO RECORDS, RIGHT TO APPEAR	Eff. 7/1/01
50.14	PRE-HEARING DISCOVERY	Eff. 7/1/01
50.15	MEET AND CONFER	Eff. 7/1/01
50.16	TIMELINESS OF MOTIONS	Eff. 7/1/01
50.17	PRESENTATION OF EVIDENCE	Eff. 7/1/01

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50.18	TRAVEL AUTHORIZATION	Eff. 7/1/01
50.19	RELEASE OF INFORMATION	Eff.7/1/01/Rev 7/1/03
60.0	COURT APPOINTED COUNSEL AND EXPERTS	
60	COURT APPOINTED COUNSEL AND EXPERTS	Eff. 7/1/01
60.1	COURT APPOINTED ATTORNEYS; STANDARDS OF EXPERIENCE AND ALLOWABLE FEES AND EXPENSES	Eff. 7/1/02
60.2	REIMBURSABLE RATES FOR PUBLIC DEFENDERS	Eff. 7/1/03
70.1	TRAFFIC DIVISION	Eff. 7/1/03

**Superior Court of the State of California
For the County of Placer
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**APPENDIX
JUVENILE STANDING ORDERS (RULE 50.2)**

SUPERIOR COURT OF CALIFORNIA, IN AND FOR THE COUNTY OF PLACER

<u>Effective Date</u>	<u>Subject of Order</u>
03/05/02	Authorization for the Consortium for Children to Receive Information from the Placer County Department of Health & Human Services for Purposes of Permanency Planning Mediation
05/15/02	In addition to provisions of CRC 1420 all parties shall comply with the reciprocal discovery standards delineated in Penal Code Section 1054 et seq.
08/05/02	Children being held in temporary facilities, prior to detention hearings, may undergo a health evaluation and related services at the first possible treatment opportunity.
08/19/02	CASA reports shall be submitted and filed with the court at least three court days prior to the minor's hearing date.
12/04/02	Routine and Periodic Dependency Orders (financial and non financial)

Copies of Standing Orders are attached. {Effective 07/01/03}

SUPERIOR COURT OF CALIFORNIA, IN AND FOR THE COUNTY OF PLACER

FILED
PLACER COUNTY
SUPERIOR COURT OF CALIFORNIA

In the Matter of:

MAY 15 2002

STANDING ORDER OF THE
JUVENILE COURT

JOHN MENDES
EXECUTIVE OFFICER & CLERK
By *[Signature]* Deputy

No. 02-002

In the matter of *Robert S. v. Superior Court*, (1992) Cal. App. 4th 1417 the California Supreme Court determined that discovery in delinquency proceedings should parallel that in criminal cases and that the juvenile courts have inherent discretionary power to permit such discovery. This Court finds that the need for expeditious and fair adjudications in juvenile court may be facilitated by a standing reciprocal discovery order. The purpose of the standing order is ascertainment of truth, facilitation of trial preparation, prevention of surprise and delay at time of trial, savings in court time, and the avoidance of interruption and postponement of trial.

IT IS THEREFORE THE ORDER OF THIS COURT THAT in addition to the provisions of California Rule of Court 1420 all parties shall comply with the reciprocal discovery standards delineated in Penal Code section 1054 et seq..

Date: *5/2/02*

[Signature]
James D. Garbolino,
Presiding Judge of the Superior Court

Date: **MAY 15 2002**

[Signature]
Frances A. Kearney
Presiding Judge of the Juvenile Court

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DATED: AUG - 5 2002

FRANCES KEARNEY

SUPERIOR COURT OF CALIFORNIA, IN AND FOR THE COUNTY OF PLACER

FILED
PLACER COUNTY
SUPERIOR COURT OF CALIFORNIA

MAR 5 2002

JOHN MENDES
EXECUTIVE OFFICER & CLERK

SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF PLACER

JUVENILE DIVISION

No 02-001

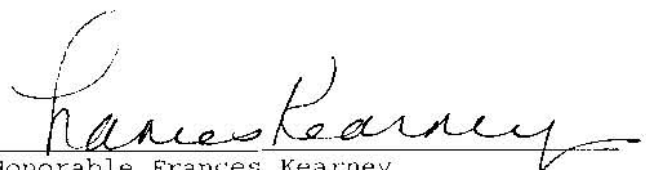
TITLE: AUTHORIZATION FOR THE CONSORTIUM FOR CHILDREN TO RECEIVE
INFORMATION FROM THE PLACER COUNTY DEPARTMENT OF HEALTH AND
HUMAN SERVICES FOR PURPOSES OF PERMANENCY PLANNING MEDIATION

TO: DIRECTOR, PLACER COUNTY DEPARTMENT OF HEALTH AND HUMAN SERVICES;
DIRECTOR, CONSORTIUM FOR CHILDREN

GOOD CAUSE SHOWN THEREFORE, IT IS HEREBY ORDERED that Placer
County Department of Health and Human Services is authorized to release to
The Consortium for Children any information which is necessary to provide
permanency planning mediation. Said information shall include petitions,
orders, findings, social worker reports, and all other documents made
available to the social workers when making their reports.

The information released to the Consortium for Children is
Confidential and shall be utilized only for the purpose of providing
permanency planning mediation services and shall be returned to Placer County
Department of Health and Human Services upon completion of the mediation.

Dated: MAR - 5 2002


Honorable Frances Kearney
Presiding Judge of the Juvenile Court

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF PLACER
JUVENILE DIVISION

FILED
PLACER COUNTY
SUPERIOR COURT OF CALIF

AUG 19 2002

JOHN MENDES
EXECUTIVE OFFICER & CL

By 


STANDING ORDER OF THE
JUVENILE COURT

No. 02-004

CASA REPORTS

GOOD CAUSE HAVING BEEN SHOWN, IT IS HEREBY ORDERED that pursuant to California Rules of Court, Rule 1424(k), CASA reports shall be submitted and filed with the court at least three (3) court days prior to the minor's hearing date. The CASA report shall be distributed to County Counsel, the assigned Social Worker, the Court Liaison Officer for the Department of Health and Human Services, the child's attorney, the parents', guardians' and de facto parents' attorneys, and the tribe's attorney. The CASA Program Supervisors shall be responsible for copying and serving the CASA report to all persons entitled to receive it at least two (2) court days prior to the minor's hearing date.

Dated:


Honorable Frances Kearney
Presiding Judge of the Juvenile Court

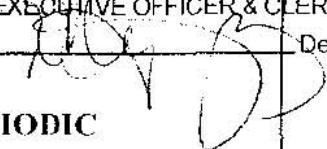
SUPERIOR COURT OF THE STATE OF CALIFORNIA **FILED**
PLACER COUNTY
IN AND FOR THE COUNTY OF PLACER SUPERIOR COURT OF CALIFORNIA

JUVENILE DIVISION

DEC - 4 2002

JOHN MENDES
EXECUTIVE OFFICER & CLERK

No. 02-005

By  Deputy

STANDING ORDER OF THE
JUVENILE COURT

ROUTINE AND PERIODIC
DEPENDENCY ORDERS
(FINANCIAL AND
NON-FINANCIAL)

I. Final/Periodic Disposition Orders (Financial)

In each dependency case at the close of each calendar year, except as noted in Section B below or unless otherwise ordered by the judicial officer presiding over the matter, the following financial orders shall apply, whether or not noted in the clerk's minute order.

A. Financial Obligations

1. Attorney's Fees for Representation of Children:

Pursuant to Welfare and Institutions Code section 903.1, in each case for which counsel has been appointed to represent the child in a dependency case, the child's estate, parents, and other persons liable for the support of the child and the estates of those persons shall, subject to ability to pay, jointly and severally reimburse the Placer County Superior Court for the costs to the court of legal services rendered to the child.

2. Attorney's Fees for Representation of Parents and *de facto* Parents:

Pursuant to Welfare and Institutions Code section 903.1, in each case for which counsel has been appointed to represent the parent, *de facto* parent or other persons liable for the support of the child, the parent, *de facto* parent, and other persons liable for the support of the child and the estates of those persons shall, subject to ability to pay, jointly and severally reimburse the Placer County Superior

1 Court for the costs to the court of legal services rendered to the parents, *de facto* parents and other
2 persons liable for the support of the child.

3 **3. Costs for Support of Child:**

4 Pursuant to Welfare and Institutions Code section 903, if the child in a dependency case was detained
5 or placed in any institution or other place outside the home, the child's estate, parents, and other
6 persons liable for the support of the child and the estates of those persons shall, subject to ability to
7 pay, jointly and severally reimburse the Placer County for costs to the county of support of the child,
8 including costs of food, food preparation, clothing, personal supplies and medical expenses, not to
9 exceed the amount provided by Welfare and Institutions Code section 903(c), not including costs of
10 treatment.

11 **4. Transportation Costs for Refusal to Take Delivery of Child:**

12 Pursuant to Welfare and Institutions Code section 207.2 and 903.25, if the child in a dependency case
13 was detained in a law enforcement temporary custody facility, the Children's Receiving Home or was
14 placed in a foster home or facility, and the child's parents and/or guardians refuse to take delivery of
15 the child after notice of scheduled release of the child from such location, such parents and/or
16 guardians shall, subject to ability to pay, jointly and severally reimburse Placer County for the
17 reasonable costs that occur thereafter for transportation of the child, food, shelter and care in the
18 Children's Receiving Home or any foster home or facility, not to exceed the amount provided by
19 Welfare and Institutions Code section 207.2(c) and 903.25(b).

20 **B. Exceptions to Financial Obligations Dismissal of Petition W&I 903.1(b)**

21 The financial orders above shall not apply in a dependency case if the petition to declare the child a
22 dependent child is dismissed at or before the jurisdiction hearing.

23 **II. Final/Periodic Disposition Orders (Non-financial):**

24 Unless otherwise ordered by the judicial officer presiding over the matter, the following non-financial
25 orders shall apply, whether or not noted in the clerk's minute order.

1 **A. Duties of a Parent/ Guardian**

2 **1. Address and Telephone Information:**

3 **(a)** Each parent must keep the court, his/her counsel and the Department of Health and Human
4 Services' Social Worker aware of any changes in his/her designated mailing address and/or
5 telephone number. Such changes must be submitted to the court in writing on the Judicial
6 Counsel form *Notification of Mailing Address* (JV-140). The form will be provided to the
7 parents/guardians attached to the Petition and will be kept available in the courtroom, the office of
8 the clerk, and the offices of the social services agency.

9 **(b)** The parents and guardians are hereby advised that the mailing address on record with the court
10 will be used by the court, the clerk, the attorneys, and the social services agency for the purpose of
11 notice of hearings and the mailing of all documents related to proceedings. Unless a written
12 notification of a change of mailing address is submitted to the court, the address on record will be
13 used and notice requirements will be satisfied by appropriate service at that address.

14 **2. Educational and Medical Information:**

15 After the initial hearing and at all times thereafter until termination of dependency, termination of
16 parental rights, transfer of jurisdiction to another county, or dismissal of the petition, each parent shall
17 provide the Department of Health and Human Services' Social Worker with complete medical, dental,
18 mental health, and educational information, and medical background, of the child, child's mother and
19 the child's biological father, if known.

20 **3. School Records Release:**

21 After the Disposition hearing upon a determination of dependency, each parent or guardian of the child
22 shall sign a written authorization for the release of the child's school records to the Juvenile Court
23 and/or Department of Health and Human Services.

24 **4. Court Hearings:**

25 Each non-incarcerated parent party must personally appear at all scheduled court hearings.

5. Family Documentation:

(a) The parent in possession of the child's birth certificate shall provide that document to the Department of Health and Human Services' Social Worker at the initial hearing, or as soon thereafter as possible.

(b) If the parents are, or have been, married, they shall provide a copy of the marriage certificate or other proof of marriage to the Department of Health and Human Services' Social Worker at the initial hearing, or as soon thereafter as possible.

B. Prior Orders

1. In Effect:

In each dependency case prior to the termination of dependency, all previous disposition orders shall remain in full force and effect, unless otherwise ordered by the bench officer.

2. Not in Effect:

In each dependency case at the termination of dependency [or parental rights], all previous disposition orders shall be vacated and no longer remain in full force and effect, unless otherwise ordered by the bench officer.

C. Relieving Attorney of Record

1. Parent's Attorney:

The attorney of record for a parent in a dependency case is relieved upon termination of dependency, transfer of jurisdiction to another county, dismissal of the petition, sixty (60) days after termination of parental rights, or when the parent has failed to communicate with their attorney, Social Worker and the minor and/or their whereabouts are unknown for a period of six (6) months, whichever occurs first.

2. Child's Attorney:

The attorney of record for a child in a dependency case is relieved upon transfer of jurisdiction to another county, dismissal of the petition, or upon termination of dependency, whichever occurs first.

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D. Travel Authorization

After the initial hearing, when the child is detained or placed out of the parent's custody, the foster parent or relative/non-relative caretaker may authorize the child to travel away from home for not more than seven (7) days. The travel may involve going out of the County of Placer or the State of California and participation in activities arranged by the foster parent or relative/non-relative caretaker with whom the child lives. The foster parent or relative/non-relative caretaker must give advance oral or written notice to the Department of Health and Human Services' Social Worker of the intended trip, including the destination, contact telephone number or address, and expected date of return.

E. Medical Care Authorization

1. Routine Medical or Other Remedial Care:

(a) Unless otherwise ordered after objection by any party at/after the initial hearing, the Placer County Department of Health and Human Services may authorize routine medical or other remedial care for the child by licensed practitioners, as may from time to time appear necessary after the initial hearing, and as defined below, and may further delegate that authority to the duly appointed staff of placement facilities or institutions, foster parents or relative/non-relative caretaker with whom the child lives.

(b) Such routine medical or other remedial care includes, but is not limited to, surgical diagnosis, x-ray examination, local anesthetic, medical diagnosis and treatment, psychological and psychiatric diagnosis and counseling, and hospital care to be rendered to the child upon advise of, and under the general or special supervision of, a licensed physician and surgeon, a licensed psychologist and psychiatrist, or licensed dentist.

(c) Routine medical and other remedial care does not include surgery, the administration of psychotropic medication, or any diagnosis or evaluation performed in anticipation of litigation or other forensic use. A specific additional court order is required before such care can be administered.

2. Notice to Parents and Counsel:

In any event where such routine medical, psychological, psychiatric, dental or other remedial care is anticipated, or has been provided, the Placer County Department of Health and Human Services shall prior to the care or treatment, or as soon as possible thereafter, inform the child's attorney, the child's parent/guardian, and the parent's/guardian's attorney of what care or treatment is anticipated, or has been provided, and what, if any, further care is scheduled for the child, and if a parent objects, the matter shall immediately be placed on calendar.

3. Release of Medical Information:

In any event where such routine medical, psychological, psychiatric, dental or other remedial care is provided, the practitioner is authorized to release information and records concerning that care of the child to the Placer County Department of Health and Human Services.

F. Routine School Related Activities

1. When a child is detained or placed out of the parent's custody in the care of relative or non-relative extended family member, the relative caregiver has the authority to provide consent for the child to participate in school sponsored activities, including, but not limited to, educational programs, field trips, and sporting events. The relative caregiver shall advise the Department of Health and Human Services' Social Worker before, or as soon as possible thereafter, all such activities for which consent has been given.

Dated: 12/4/02


Honorable Frances Kearney
Presiding Judge of the Juvenile Court

